

40 CFR Part 257 Checklist:

Alignment of 40 CFR 257, subpart D with Georgia Rule 391-3-4-.10

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
1	§ 257.53 Definitions								
2	The owner of operator of the CCR unit must include all definitions								
3	all					Specify each definition that differs from those listed in section 257.53.	Definitions in <a href="#">40 CFR 257.53</a> are incorporated by reference into this section and are applicable to CCR units with the following additions and revision:  <a href="#">Rule 391-3-4-.10(2)</a>  1. "Dewatered Surface Impoundment" means a CCR surface impoundment that no longer receives CCR on or after October 19, 2015 and does not contain liquids on or after October 19, 2015.  2. "NPDES -CCR Surface Impoundment" means a CCR surface impoundment that no longer receives CCR on or after October 19, 2015 which still contains both CCR and liquids and is located at an electric utility or independent power producer that has ceased producing electricity prior to October 19, 2015.  3. "Inactive CCR Landfill" means a CCR landfill that no longer receive s CCR and other wastes on or after October 19, 2015.  4. The following text shall be substituted for the fourth condition in the definition of Beneficial use of CCR "(4) For unencapsulated use of CCR, the user must demonstrate to the Division and provide documentation to the Division that environmental releases to groundwater, surface water, soil, and air are comparable to or lower than those from analogous products made without CCR, or that environmental releases to groundwater, surface water, soil, and air will be at or below relevant regulatory and health-based		

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								Existing	New & Lateral Expansions
							benchmarks for human and ecological receptors during use."		
4	§ 257.60 Placement Above the Uppermost Aquifer								
5	The owner or operator of the CCR unit must meet all the requirements (a) through (d).								
6	(a)					The base of CCR unit should be at least 1.52 meters (5 ft.) above the upper limit of the uppermost aquifer, or, the owner must demonstrate that there will not be an intermittent, recurring, or sustained hydraulic connection with uppermost aquifer during normal and seasonal water table fluctuations. The owner or operator must demonstrate by the dates specified in paragraph (c) of this section that the CCR unit meets the minimum requirements for placement above the uppermost aquifer.	Same		
7	(b)					Obtain a certificate from professional engineer, stating that the requirements meet comply with the recordkeeping requirements specified in § 257.105(e).	Same		
8	(c)	(1)				For an existing surface impoundment, the owner or operator of the CCR unit must complete the demonstration required by paragraph (a) no later than October 17, 2018 for an existing CCR surface impoundment.	Same		
9	(c)	(2)				For a new CCR landfill, new CCR impoundment, or any lateral expansion of a CCR unit, the owner or operator of the CCR unit must complete the demonstration required by paragraph (a) no later than the date of initial receipt of CCR in the CCR unit for a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit.	Same		
10	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).	Same		
11	(c)	(4)				An owner or operator of an existing CCR surface impoundment who fails to demonstrate compliance with the requirements of paragraph (a) of this section by the date specified is subject to the requirements of § 257.101(b)(1).	Same		NA
12	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
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								Existing	New & Lateral Expansions
13	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Same		
							Location Restrictions in 40 CFR (§§ 257.60 - 257.64) have been adopted by reference with the following additions for New and lateral Expansions of CCR landfills:  Rule 391-3-4-.10(3)  (c) For new and lateral expansions of CCR units, the hydrogeological evaluation for a specific site must be performed by a qualified groundwater scientist.  (d) For new and lateral expansions of CCR units, when the geological and hydrogeological data so indicate, the Division may specify greater separation distances to protect groundwater.  (e) Buffers: New CCR units and lateral expansions of CCR units must provide a 200- foot undisturbed buffer between the waste disposal boundary and the boundary of the permitted facility and a minimum 500-foot buffer between the waste disposal boundary and any occupied dwelling and the dwelling's operational private, domestic water supply well in existence on the date of the permit application. The 500-foot buffer may be reduced if the current owner of the dwelling provides a written waiver consenting to the waste disposal boundary being closer than 500 feet. No disposal or storage practices for waste shall take place in the buffer zones.		
14						§ 257.61 Wetlands			
15						The owner of operator of the CCR unit must first meet requirements (a) or requirements (a)(1) through (5), in addition to meeting requirements (b) through (d) and all their components.			

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Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
16	(a)					CCR units must not be located in wetlands, as defined in § 232.2 of this chapter, unless the owner or operator demonstrates by the dates specified in paragraph (c) of this section that the CCR unit meets the requirements of paragraphs (a)(1) through (5) of this section.	Same		
17	(a)	(1)				<i>The owner or operator of CCR unit must:</i>	Same		
						Provide a rebuttal of the presumption that an alternative to the CCR unit is reasonably available that does not involve wetlands where applicable under § 404 of the Clean Water Act or applicable state wetlands laws.			
18	(a)	(2)				The construction and operation of the CCR unit will not cause or contribute to violations of the following applicable regulations:	Same		Applicable
19	(a)	(2)	(i)			State or federal water quality standard;	Same		
20	(a)	(2)	(ii)			Toxic effluent standard or prohibition under section 307 of the Clean Water Act;	Same		
21	(a)	(2)	(iii)			Endangered or threatened species, or a critical habitat protected under the Endangered Species Act of 1973;	Same		
22	(a)	(2)	(iv)			Marine Protection, Research, and Sanctuaries Act of 1972	Same		
23	(a)	(3)				<i>The CCR unit will not cause or contribute to significant degradation of wetlands by addressing all of the following factors:</i>	Same		Applicable
24	(a)	(3)	(i)			Erosion, stability and migration potential of native wetland soils used to support the CCR unit;	Same		
25	(a)	(3)	(ii)			Erosion, stability and migration potential of dredged and fill materials used to support the CCR unit;	Same		
26	(a)	(3)	(iii)			The volume and chemical nature of the CCR;	Same		
27	(a)	(3)	(iv)			Impacts on fish, wildlife, other aquatic resources and their habitat from release of CCR;	Same		
28	(a)	(3)	(v)			The potential effects of catastrophic release of CCR to the wetland and the resulting impacts on the environment; and	Same		

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29	(a)	(3)	(vi)			Any additional factors, as necessary, to demonstrate sufficient protection of ecological resources in the wetland.	Same		
30	(a)	(4)				<i>The owner or operator of CCR unit must also:</i>	Same		
						Demonstrate that steps have been taken to attempt to achieve no net loss of wetlands (as defined by acreage and function) by first avoiding impacts to wetlands to the maximum extent reasonable as required by paragraphs (a)(1) through (3), then minimizing unavoidable impacts to the maximum extent reasonable, and offsetting remaining unavoidable wetland impacts through all appropriate and reasonable compensatory mitigation actions (e.g., restoration of existing degraded wetlands or creation of man-made wetlands) to the extent required under section 404 of the Clean Water Act or applicable state wetlands laws.			
31	(a)	(5)				Sufficient information is available to make a reasoned determination with respect to the demonstrations in paragraphs (a)(1) through (4).	Same		
32	(b)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements of paragraph (a).	Same		
33	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.	Same		
34	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.	Same		
35	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).	Same		
36	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit. <u>Correction:</u> An owner or operator of an existing CCR surface impoundment who fails to demonstrate compliance with the requirements of paragraph (a) of	Same		NA

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
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								Existing	New & Lateral Expansions
						this section by the date specified in paragraph (c)(1) of this section is subject to the requirements of §257.101(b)(1).			
37	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Same		
38	(d)					The owner or operator comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Same		
39	§ 257.62 Fault Areas								
40	The owner of operator of the CCR unit must meet all the requirements (a) through (d).								
41	(a)					CCR unit should be located within 60 meters (200 feet) of the outermost damage zone of a fault that has had displacement in Holocene time, unless the owner or operator demonstrates that an alternative setback distance of less than 60 meters will prevent damage to the structural integrity of the CCR unit.	Same		
42	(b)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets these requirements of paragraph (a).	Same		
43	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.	Same		
44	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.	Same		
45	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).	Same		

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46	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit. <u>Correction:</u> An owner or operator of an existing CCR surface impoundment who fails to demonstrate compliance with the requirements of paragraph (a) of this section by the date specified in paragraph (c)(1) of this section is subject to the requirements of §257.101(b)(1).	Same		NA
47	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Same		
48	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Same		
49	§ 257.63 Seismic Impact Zones								
50	The owner of operator of the CCR unit must meet all the requirements (a) through (d).								
51	(a)					CCR units and any expansions must not be located in seismic impact zones, unless the owner or operator demonstrates that all structural components including liners, leachate collection and removal systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.	Same		
52	(b)					The owner or operator of the CCR unit must: obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements of paragraph (a)	Same		
53	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.	Same		
54	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.	Same		



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55	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).	Same		
56	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit. <u>Correction: An owner or operator of an existing CCR surface impoundment who fails to demonstrate compliance with the requirements of paragraph (a) of this section by the date specified in paragraph (c)(1) of this section is subject to the requirements of §257.101(b)(1).</u>	Same		NA
57	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Same		
58	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Same		
59	§ 257.64 Unstable Areas								
60	The owner or operator of the CCR unit must meet all the requirements (a) through (e) and all their components.								
61	(a)					A CCR unit must not be located in an unstable area, unless the owner or operator demonstrates that recognized and generally accepted good engineering practices have been incorporated into the design of the CCR unit to ensure that the integrity of the structural components of the CCR unit will not be disrupted.	Same		
62	(b)	(1)				When determining whether an area is unstable or not, the owner or operator must consider, at a minimum, all of the following:	Same		
						On-site or local soil conditions that may result in significant differential settling;			
64	(b)	(2)				On-site or local geologic or geomorphologic features; and	Same		
65	(b)	(3)				On-site or local human-made features or events (both surface and subsurface).	Same		

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66	(c)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements in paragraph (a).	Same		
67	(d)	(1)				The owner or operator of the CCR unit must complete the demonstration required in paragraph (a) no later than October 17, 2018 for existing CCR surface impoundments and existing CCR landfills.	Same		
68	(d)	(2)				The owner or operator of the CCR unit must complete the demonstration required in paragraph (a) no later than the date of initial receipt of CCR in the CCR unit for a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit.	Same		
69	(d)	(3)				The owner or operator has completed the demonstration required by paragraph (a) when the demonstration is placed in the facility's operating record as required by § 257.105(e).	Same		
70	(d)	(4)				An owner or operator of an existing CCR unit who fails to demonstrate compliance with the requirements of paragraph (a) of this section by the date specified is subject to the requirements of § 257.101(b)(1) or (d), respectively.	Same		NA
71	(d)	(5)				An owner or operator of a new CCR unit, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Same	NA	
72	(e)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Same		
73						§ 257.70 Design Criteria for New CCR Landfills and Any Lateral Expansion of a CCR Landfill			
74						The owner or operator of the CCR unit must meet all the requirements (a) through (g) and all their components. *These requirements do not apply to existing CCR surface impoundments that are incised CCR units, unless incised CCR surface impoundment is subsequent to the incision.			
75	(a)	(1)				CCR landfills must be designed, constructed, operated, and maintained with either a composite liner that meets the requirements of paragraph (b) of this section or an alternative composite liner that meets the requirements in paragraph (c) of this section, and a leachate collection and removal system that meets the requirements of paragraph (d) of this section.	Same	NA	

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76	(a)	(2)				Prior to construction of an overfill the underlying surface impoundment must meet the requirements of § 257.102(d).	Same	NA	
77	(b)					A composite liner must consist of two components; the upper component consisting of, at a minimum, a 30-mil geomembrane liner (GM), and the lower component consisting of at least a twofoot layer of compacted soil with a hydraulic conductivity of no more than $1 \times 10^{-7}$ centimeters per second (cm/sec). GM components consisting of high density polyethylene (HDPE) must be at least 60-mil thick. The GM or upper liner component must be installed in direct and uniform contact with the compacted soil or lower liner component.	Same	NA	
78	(b)	(1)				<i>The composite liner must be:</i>	Same	NA	
						Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the CCR or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;			
79	(b)	(2)				Constructed of materials that provide appropriate shear resistance of the upper and lower component interface to prevent sliding of the upper component including on slopes;	Same	NA	
80	(b)	(3)				Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and	Same	NA	
81	(b)	(4)				Installed to cover all surrounding earth likely to be in contact with the CCR or leachate.	Same	NA	
82	(c)	(1)				<i>If the owner or operator elects to install an alternative composite liner, all of the following requirements must be met:</i>	Same	NA	

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						An alternative composite liner must consist of two components; the upper component consisting of, at a minimum, a 30-mil GM, and a lower component, that is not a geomembrane, with a liquid flow rate no greater than the liquid flow rate of two feet of compacted soil with a hydraulic conductivity of no more than $1 \times 10^{-7}$ cm/sec. GM components consisting of high density polyethylene (HDPE) must be at least 60-mil thick. If the lower component of the alternative liner is compacted soil, the GM must be installed in direct and uniform contact with the compacted soil.			
83	(c)	(2)				The owner or operator must obtain certification from a qualified professional engineer that the liquid flow rate through the lower component of the alternative composite liner is no greater than the liquid flow rate through two feet of compacted soil with a hydraulic conductivity of $1 \times 10^{-7}$ cm/ sec. The hydraulic conductivity for the two feet of compacted soil used in the comparison shall be no greater than $1 \times 10^{-7}$ cm/sec. The hydraulic conductivity of any alternative to the two feet of compacted soil must be determined using recognized and generally accepted methods. The liquid flow rate comparison must be made using Equation 1 of this section, which is derived from Darcy's Law for gravity flow through porous media. Where, Q = flow rate (cubic centimeters/second); A = surface area of the liner (squared centimeters); q = flow rate per unit area (cubic centimeters/ second/squared centimeter); k = hydraulic conductivity of the liner (centimeters/second); h = hydraulic head above the liner (centimeters); and t = thickness of the liner (centimeters).	Same	NA	
84	(c)	(3)				The alternative composite liner must meet the requirements specified in paragraphs (b)(1) through (4) of this section.	Same	NA	
85	(d)	(1)				<i>The leachate collection and removal system must be designed, constructed, operated, and maintained to collect and remove leachate from the landfill during the active life and post-closure care period. The leachate collection and removal system must be:</i>	Same	NA	
						Designed and operated to maintain less than a 30-centimeter depth of leachate over the composite liner or alternative composite liner;			

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86	(d)	(2)				Constructed of materials that are chemically resistant to the CCR and any non-CCR waste managed in the CCR unit and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying waste, waste cover materials, and equipment used at the CCR unit; and	Same	NA	
87	(d)	(3)				Designed and operated to minimize clogging during the active life and post-closure care period.	Same	NA	
88	(e)					Prior to construction of the CCR landfill or any lateral expansion of a CCR landfill, the owner or operator must obtain a certification from a qualified professional engineer that the design of the composite liner (or, if applicable, alternative composite liner) and the leachate collection and removal system meets the requirements of this section.	Same	NA	
89	(f)					Upon completion of construction of the CCR landfill or any lateral expansion of a CCR landfill, the owner or operator must obtain a certification from a qualified professional engineer that the composite liner (or, if applicable, alternative composite liner) and the leachate collection and removal system has been constructed in accordance with the requirements of this section.	Same	NA	
90	(g)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the Internet requirements specified in § 257.107(f).	Same	NA	
91						§ 257.80 Air Criteria			
92						The owner of operator of the CCR unit must meet all the requirements (a) through (d) and all their components.			
93	(a)					The owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit must adopt measures that will effectively minimize CCR from becoming airborne at the facility, including CCR fugitive dust originating from CCR units, roads, and other CCR management and material handling activities.	Same		

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94	(b)					The owner or operator of the CCR unit must prepare and operate in accordance with a CCR fugitive dust control plan as specified in paragraphs (b)(1) through (7) of this section. This requirement applies in addition to, not in place of, any applicable standards under the Occupational Safety and Health Act.	Same		
95	(b)	(1)				The CCR fugitive dust control plan must identify and describe the CCR fugitive dust control measures the owner or operator will use to minimize CCR from becoming airborne at the facility. The owner or operator must select, and include in the CCR fugitive dust control plan, the CCR fugitive dust control measures that are most appropriate for site conditions, along with an explanation of how the measures selected are applicable and appropriate for site conditions. Examples of control measures that may be appropriate include: Locating CCR inside an enclosure or partial enclosure; operating a water spray or fogging system; reducing fall distances at material drop points; using wind barriers, compaction, or vegetative covers; establishing and enforcing reduced vehicle speed limits; paving and sweeping roads; covering trucks transporting CCR; reducing or halting operations during high wind events; or applying a daily cover.	Same		
96	(b)	(2)				If the owner or operator operates a CCR landfill or any lateral expansion of a CCR landfill, the CCR fugitive dust control plan must include procedures to emplace CCR as conditioned CCR. Conditioned CCR means wetting CCR with water to a moisture content that will prevent wind dispersal, but will not result in free liquids. In lieu of water, CCR conditioning may be accomplished with an appropriate chemical dust suppression agent.	Same		
97	(b)	(3)				The CCR fugitive dust control plan must include procedures to log citizen complaints received by the owner or operator involving CCR fugitive dust events at the facility.	Same		
98	(b)	(4)				The CCR fugitive dust control plan must include a description of the procedures the owner or operator will follow to periodically assess the effectiveness of the control plan.	Same		

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99	(b)	(5)				The owner or operator of a CCR unit must prepare an initial CCR fugitive dust control plan for the facility no later than October 19, 2015, or by initial receipt of CCR in any CCR unit at the facility if the owner or operator becomes subject to this subpart after October 19, 2015. The owner or operator has completed the initial CCR fugitive dust control plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(1).	Same		
100	(b)	(6)				Amendment of the plan. The owner or operator of a CCR unit subject to the requirements of this section may amend the written CCR fugitive dust control plan at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(g)(1). The owner or operator must amend the written plan whenever there is a change in conditions that would substantially affect the written plan in effect, such as the construction and operation of a new CCR unit.	Same		
101	(b)	(7)				The owner or operator must obtain a certification from a qualified professional engineer that the initial CCR fugitive dust control plan, or any subsequent amendment of it, meets the requirements of this section.	Same		
102	(c)					Annual CCR fugitive dust control report. The owner or operator of a CCR unit must prepare an annual CCR fugitive dust control report that includes a description of the actions taken by the owner or operator to control CCR fugitive dust, a record of all citizen complaints, and a summary of any corrective measures taken. The initial annual report must be completed no later than 14 months after placing the initial CCR fugitive dust control plan in the facility's operating record. The deadline for completing a subsequent report is one year after the date of completing the previous report. For purposes of this paragraph (c), the owner or operator has completed the annual CCR fugitive dust control report when the plan has been placed in the facility's operating record as required by § 257.105(g)(2).	Same		
103	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).	Same		

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							<p>Operating Criteria in 40 CFR (§§ 257.80 - 257.84) have been adopted by reference with the following additions:</p> <p>Rule 391-3-4-.10(5)</p> <p>(c) The operation and use of the CCR unit shall be as stipulated in the solid waste handling permit.</p>		
104	§ 257.81 Run-on and Run-off Controls for CCR Landfills								
105	The owner or operator of the CCR unit must meet all the requirements (a) through (d) and all their components.								
106	(a)	(1)				The owner or operator of a CCR landfill or lateral extension must construct, operate, and maintain:	Same		
						A run-on control system to prevent flow onto the active portion of the CCR unit during the peak discharge from a 24-hour, 25-year storm; and			
107	(a)	(2)				A run-off control system from the active portion of the CCR to collect and control at least to collect and control at least the water volume resulting from a 24-hour, 25-year storm.	Same		
108	(b)					Run-off from the active portion of the CCR unit must be handled in accordance with the surface water requirements under § 257.3–3.	Same		
109	(c)	(1)				The owner or operator must prepare initial and periodic run-on and run-off control system plans for the CCR unit according to the timeframes specified in paragraphs (c)(3) and (4) of this section. These plans must document how the run-on and run-off control systems have been designed and constructed to meet the applicable requirements of this section. Each plan must be supported by appropriate engineering calculations. The owner or operator has completed the initial run-on and run-off control system plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(3).	Same		



						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
110	(c)	(2)				Amendment of the plan. The owner or operator may amend the written run-on and run-off control system plan at any time provided the revised plan is placed in the facility’s operating record as required by § 257.105(g)(3). The owner or operator must amend the written run-on and runoff control system plan whenever there is a change in conditions that would substantially affect the written plan in effect.	Same		NA
111	(c)	(3)	(i)			The owner or operator of an existing CCR unit must prepare the initial run-on and runoff control system plan no later than October 17, 2016, for new units and any lateral expansion of a CCR landfill.(DELETE)	Same		
112	(c)	(3)	(ii)			For a new CCR landfil or any lateral expansion of a landfill, the owner or operator must prepare the initial run-on and run-off control system plan no later than the date of initial receipt of CCR in the CCR unit.	Same	NA	
113	(c)	(4)				Frequency for revising the plan. The owner or operator of the CCR unit must prepare periodic run-on and runoff control system plans required by paragraph (c)(1) of this section every five years. The date of completing the initial plan is the basis for establishing the deadline to complete the first subsequent plan. The owner or operator may complete any required plan prior to the required deadline provided the owner or operator places the completed plan into the facility’s operating record within a reasonable amount of time. In all cases, the deadline for completing a subsequent plan is based on the date of completing the previous plan. For purposes of this paragraph (c)(4), the owner or operator has completed a periodic run-on and run-off control system plan when the plan has been placed in the facility’s operating record as required by § 257.105(g)(3).	Same		
114	(c)	(5)				The owner or operator must obtain a certification from a qualified professional engineer stating that the initial and periodic run-on and run-off control system plans meet the requirements of this section.	Same		
115	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).	Same		
116	§ 257.84 Inspection Requirements for CCR Landfills								

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
117						The owner of operator of the CCR unit must meet all the requirements (a) through (c) and all their components.			
118	(a)	(1)	(i)			All CCR landfills and any lateral expansion of a CCR landfill must be examined by a qualified person as follows:	Same		
						At intervals not exceeding seven days, inspect for any appearances of actual or potential structural weakness and other conditions which are disrupting or have the potential to disrupt the operation or safety of the CCR unit; and			
119	(a)	(1)	(ii)			The results of the inspection by a qualified person must be recorded in the facility’s operating record as required by § 257.105(g)(8).	Same		
120	(a)	(2)	(i)			Existing CCR landfills. The owner or operator of the CCR unit must initiate the inspections required under paragraph (a) of this section no later than October 19, 2015.	Same		NA
121	(a)	(2)	(ii)			New CCR landfills and any lateral expansion of a CCR landfill. The owner or operator of the CCR unit must initiate the inspections required under paragraph (a) of this section upon initial receipt of CCR by the CCR unit.	Same	NA	
122	(b)	(1)	(i)Delete			Existing and new CCR landfills and any lateral expansion of a CCR landfill must be inspected on a periodic basis by a qualified professional engineer to ensure that the design, construction, operation, and maintenance of the CCR unit is consistent with recognized and generally accepted good engineering standards. The inspection must, at a minimum, include:	Same		
123	(b)	(1)	(ii)(i)			A review of available information regarding the status and condition of the CCR unit, including, but not limited to, files available in the operating record (e.g., the results of inspections by a qualified person, and results of previous annual inspections); and	Same		
124	(b)	(1)	(ii)			A visual inspection of the CCR unit to identify signs of distress or malfunction of the CCR unit.	Same		
125	(b)	(2)	(i)			The qualified professional engineer must prepare a report following each inspection that addresses the following: Any changes in geometry of the structure since the previous annual inspection;	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
126	(b)	(2)	(ii)			The approximate volume of CCR contained in the unit at the time of the inspection;	Same		
127	(b)	(2)	(iii)			Any appearances of an actual or potential structural weakness of the CCR unit, in addition to any existing conditions that are disrupting or have the potential to disrupt the operation and safety of the CCR unit; and	Same		
128	(b)	(2)	(iv)			Any other change(s) which may have affected the stability or operation of the CCR unit since the previous annual inspection.	Same		
129	(b)	(3)	(i)			The owner or operator of the CCR unit must complete the initial inspection required by paragraphs (b)(1) and (2) of this section no later than January 18, 2016. <b>January 19, 2016</b>	Same		NA
130	(b)	(3)	(ii)			New CCR landfills and any lateral expansion of a CCR landfill. The owner or operator of the CCR unit must complete the initial annual inspection required by paragraphs (b)(1) and (2) of this section no later than 14 months following the date of initial receipt of CCR in the CCR unit.	Same	NA	
131	(b)	(4)				Frequency of inspections. The owner or operator of the CCR unit must conduct the inspection required by paragraphs (b)(1) and (2) of this section on an annual basis. The date of completing the initial inspection report is the basis for establishing the deadline to complete the first subsequent inspection. Any required inspection may be conducted prior to the required deadline provided the owner or operator places the completed inspection report into the facility's operating record within a reasonable amount of time. In all cases, the deadline for completing subsequent inspection reports is based on the date of completing the previous inspection report. For purposes of this section, the owner or operator has completed an inspection when the inspection report has been placed in the facility's operating record as required by § 257.105(g)(9).	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
132	(b)	(5)				If a deficiency or release is identified during an inspection, the owner or operator must remedy the deficiency or release as soon as feasible and prepare documentation detailing the corrective measures taken.	Same		
133	(c)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).	Same		
134						§ 257.90 Applicability			
135						The owner or operator of the CCR unit must meet all the requirements (a) through (f), and all their components.			
136	(a)					All CCR landfills, CCR surface impoundments, and lateral expansions of CCR units are subject to the groundwater monitoring and corrective action requirements under §§257.90 through 257.98.	Same		
137	(b)	(1)	(i)			The owner or operator of an existing CCR landfill and existing CCR surface impoundment must be in compliance with the following groundwater monitoring requirements no later than October 17, 2017:	Same		
						Install the groundwater monitoring system as required by § 257.91;			
138	(b)	(1)	(ii)			Develop the groundwater sampling and analysis program to include selection of the statistical procedures to be used for evaluating groundwater monitoring data as required by § 257.93;	Same		
139	(b)	(1)	(iii)			Initiate the detection monitoring program to include obtaining a minimum of eight independent samples for each background and downgradient well as required by § 257.94(b); and	Same		
140	(b)	(1)	(iv)			Begin evaluating the groundwater monitoring data for statistically significant increases over background levels for the constituents listed in appendix III of this part as required by § 257.94.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
141	(b)	(2)				Prior to initial receipt of CCR by the CCR unit, the owner or operator of a new CCR landfill, new CCR surface impoundment, and all lateral expansions of CCR units, must be in compliance with the groundwater monitoring requirements specified in paragraph (b)(1)(i) and (ii) of this section. In addition, the owner or operator of the CCR unit must initiate the detection monitoring program to include obtaining a minimum of eight independent samples for each background well as required by § 257.94(b).	Same		
142	(c)					Once a groundwater monitoring system and groundwater monitoring program has been established at the CCR unit as required by this subpart, the owner or operator must conduct groundwater monitoring and, if necessary, corrective action throughout the active life and post-closure care period of the CCR unit.	Same		
143	(d)					In the event of a release from a CCR unit, the owner or operator must immediately take all necessary measures to control the source(s) of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of contaminants into the environment. The owner or operator of the CCR unit must comply with all applicable requirements in §§ 257.96, 257.97, and 257.98.	Same		
144	(e)					The owner or operator of an existing CCR landfill and existing CCR surface impoundment, must prepare an annual groundwater monitoring and corrective action report no later than January 31, 2018, and annually thereafter. For new CCR landfills, new CCR surface impoundments, and all lateral expansions of CCR units, the owner or operator must prepare the initial annual groundwater monitoring and corrective action report no later than January 31 of the year following the calendar year a groundwater monitoring system has been established for such CCR unit as required by this subpart, and annually thereafter. For the preceding calendar year, the annual report must document the status of the groundwater monitoring and corrective action program for the CCR unit, summarize key actions completed, describe any problems encountered, discuss actions to resolve the problems, and project key activities for the upcoming year. For purposes of this section, the owner or operator has prepared the annual report when the report is placed in the facility's operating record as required by § 257.105(h)(1).	Same		
145	(e)	(1)				<i>At a minimum, the annual groundwater monitoring and corrective action report must contain the following information, to the extent available:</i>	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
						A map, aerial image, or diagram showing the CCR unit and all background (or upgradient) and downgradient monitoring wells, to include the well identification numbers, that are part of the groundwater monitoring program for the CCR unit;	Same		
146	(e)	(2)				Identification of any monitoring wells that were installed or decommissioned during the preceding year, along with a narrative description of why those actions were taken;	Same		
147	(e)	(3)				In addition to all the monitoring data obtained under §§ 257.90 through 257.98, a summary including the number of groundwater samples that were collected for analysis for each background and downgradient well, the dates the samples were collected, and whether the sample was required by the detection monitoring or assessment monitoring programs;	Same		
148	(e)	(4)				A narrative discussion of any transition between monitoring programs (e.g., the date and circumstances for transitioning from detection monitoring to assessment monitoring in addition to identifying the constituent(s) detected at a statistically significant increase over background levels); and	Same		
149	(e)	(5)				Other information required to be included in the annual report as specified in §§ 257.90 through 257.98.	Same		
150	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).	Same		
							<p>Groundwater Monitoring and Corrective Action in 40 CFR (§§ 257.90 - 257.98) have been adopted by reference with the following additions:</p> <p>Rule 391-3-4-10(6)</p> <p>(b) When referenced in this Rule, Appendix III and Appendix IV constituents shall refer to those constituents as listed in Appendix III and IV of 40 CFR Part 257, Subpart D, 80 FR 21468, (Apr. 17, 2015), which are hereby incorporated by reference.</p>		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
							(c) The owner or operator of a CCR unit must submit a semi-annual report to the Division to coincide with the semi-annual sampling event. A qualified groundwater scientist must certify the report.  (d) The Division must provide concurrence with the following actions in order for them to be complete: 1. Groundwater monitoring system design 2. Groundwater sampling and analysis plan 3. Groundwater monitoring well installation 4. Alternate source demonstration 5. Selection of remedy 6. Completion of remedy  (e) The Director may require the analysis of additional parameters based on waste descriptions.  (f) An owner or operator of a CCR unit shall continue to monitor for Appendix I or II constituents if these constituents have previously been detected at statistically significant levels above background concentrations.  (g) Monitoring wells require replacement after two dry sampling events, unless an alternate schedule has been approved by the Division. A minor modification shall be submitted in accordance with subparagraph (4)(b)7 of Rule 391-3-4-.02 prior to the installation or decommissioning of monitoring wells. Well installation must be directed by a qualified groundwater scientist.		
151						§ 257.91 Groundwater monitoring systems			
152						The owner of operator of the CCR unit must meet all the requirements (a) through (g) and all their components.			
153	(a)	(1)				The owner or operator of a CCR unit must install a groundwater monitoring system that consists of a sufficient number of wells, installed at appropriate locations and depths, to yield groundwater samples from the uppermost aquifer that accurately represent the quality of background groundwater that has not been affected by leakage from a CCR unit.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
154	(a)	(1)	(i)			<i>A determination of background quality may include sampling of wells that are not hydraulically upgradient of the CCR management area where:</i>	Same		
						Hydrogeologic conditions do not allow the owner or operator of the CCR unit to determine what wells are hydraulically upgradient; or			
155	(a)	(1)	(ii)			Sampling at other wells will provide an indication of background groundwater quality that is as representative or more representative than that provided by the upgradient wells; and	Same		
156	(a)	(2)				Accurately represent the quality of groundwater passing the waste boundary of the CCR unit. The downgradient monitoring system must be installed at the waste boundary that ensures detection of groundwater contamination in the uppermost aquifer. All potential contaminant pathways must be monitored.	Same		
157	(b)	(1)				The number, spacing, and depths of monitoring systems shall be determined based upon site-specific technical information that must include thorough characterization of: Aquifer thickness, groundwater flow rate, groundwater flow direction including seasonal and temporal fluctuations in groundwater flow; and	Same		
158	(b)	(2)				Saturated and unsaturated geologic units and fill materials overlying the uppermost aquifer, materials comprising the uppermost aquifer, and materials comprising the confining unit defining the lower boundary of the uppermost aquifer, including, but not limited to, thicknesses, stratigraphy, lithology, hydraulic conductivities, porosities and effective porosities.	Same		
159	(c)	(1)				The groundwater monitoring system must include the minimum number of monitoring wells necessary to meet the performance standards specified in paragraph (a) of this section, based on the site-specific information specified in paragraph (b) of this section. The groundwater monitoring system must contain: A minimum of one upgradient and three downgradient monitoring wells; and	Same		



						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
160	(c)	(2)				Additional monitoring wells as necessary to accurately represent the quality of background groundwater that has not been affected by leakage from the CCR unit and the quality of groundwater passing the waste boundary of the CCR unit.	Same		
161	(d)	(1)				The owner or operator of multiple CCR units may install a multiunit groundwater monitoring system instead of separate groundwater monitoring systems for each CCR unit.	Same		
162	(d)	(1)	(i)			<i>The multiunit groundwater monitoring system must be equally as capable of detecting monitored constituents at the waste boundary of the CCR unit as the individual groundwater monitoring system specified in paragraphs (a) through (c) of this section for each CCR unit based on the following factors:</i>	Same		
						Number, spacing, and orientation of each CCR unit;			
163	(d)	(1)	(ii)			Hydrogeologic setting;	Same		
164	(d)	(1)	(iii)			Site history;	Same		
165	(d)	(1)	(iv)			Engineering design of the CCR unit.	Same		
166	(d)	(2)				If the owner or operator elects to install a multiunit groundwater monitoring system, and if the multiunit system includes at least one existing unlined CCR surface impoundment as determined by § 257.71(a), and if at any time after October 19, 2015 the owner or operator determines in any sampling event that the concentrations of one or more constituents listed in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under § 257.95(h) for the multiunit system, then all unlined CCR surface impoundments comprising the multiunit groundwater monitoring system are subject to the closure requirements under § 257.101(a) to retrofit or close.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
167	(e)	(1)				Monitoring wells must be cased in a manner that maintains the integrity of the monitoring well borehole. This casing must be screened or perforated and packed with gravel or sand, where necessary, to enable collection of groundwater samples. The annular space (i.e., the space between the borehole and well casing) above the sampling depth must be sealed to prevent contamination of samples and the groundwater. The owner or operator of the CCR unit must document and include in the operating record the design, installation, development, and decommissioning of any monitoring wells, piezometers and other measurement, sampling, and analytical devices. The qualified professional engineer must be given access to this documentation when completing the groundwater monitoring system certification required under paragraph (f) of this section.	Same		
168	(e)	(2)				The monitoring wells, piezometers, and other measurement, sampling, and analytical devices must be operated and maintained so that they perform to the design specifications throughout the life of the monitoring program.	Same		
169	(f)					The owner or operator must obtain a certification from a qualified professional engineer stating that the groundwater monitoring system has been designed and constructed to meet the requirements of this section. If the groundwater monitoring system includes the minimum number of monitoring wells specified in paragraph (c)(1) of this section, the certification must document the basis supporting this determination.	Same		
170	(g)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).	Same		
171						§ 257.93 Groundwater Sampling and Analysis Requirements			
172						The owner or operator of the CCR unit must meet all the requirements (a) through (j) and all their components.			
173	(a)					The groundwater monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide an accurate representation of groundwater quality at the background and downgradient wells required by § 257.91.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
174	(a)	(1)				<i>The owner or operator of the CCR unit must develop a sampling and analysis program that includes procedures and techniques for:</i>	Same		
						Sample collection;			
175	(a)	(2)				Sample preservation and shipment;	Same		
176	(a)	(3)				Analytical procedures;	Same		
177	(a)	(4)				Chain of custody control; and	Same		
178	(a)	(5)				Quality assurance and quality control.	Same		
179	(b)					The groundwater monitoring program must include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents and other monitoring parameters in groundwater samples. For purposes of §§ 257.90 through 257.98, the term constituent refers to both hazardous constituents and other monitoring parameters listed in either appendix III or IV of this part.	Same		
180	(c)					Groundwater elevations must be measured in each well immediately prior to purging, each time groundwater is sampled. The owner or operator of the CCR unit must determine the rate and direction of groundwater flow each time groundwater is sampled. Groundwater elevations in wells which monitor the same CCR management area must be measured within a period of time short enough to avoid temporal variations in groundwater flow which could preclude accurate determination of groundwater flow rate and direction.	Same		
181	(d)					The owner or operator of the CCR unit must establish background groundwater quality in a hydraulically upgradient or background well(s) for each of the constituents required in the particular groundwater monitoring program that applies to the CCR unit as determined under § 257.94(a) or § 257.95(a). Background groundwater quality may be established at wells that are not located hydraulically upgradient from the CCR unit if it meets the requirements of § 257.91(a)(1).	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
182	(e)					The number of samples collected when conducting detection monitoring and assessment monitoring (for both downgradient and background wells) must be consistent with the statistical procedures chosen under paragraph (f) of this section and the performance standards under paragraph (g) of this section. The sampling procedures shall be those specified under § 257.94(b) through (d) for detection monitoring, § 257.95(b) through (d) for assessment monitoring, and § 257.96(b) for corrective action.	Same		
183	(f)	(1)				<i>The owner or operator of the CCR unit must select one of the statistical methods specified in paragraphs (f)(1) through (5) of this section to be used in evaluating groundwater monitoring data for each specified constituent. The statistical test chosen shall be conducted separately for each constituent in each monitoring well.</i>	Same		
						A parametric analysis of variance followed by multiple comparison procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well’s mean and the background mean levels for each constituent.			
184	(f)	(2)				An analysis of variance based on ranks followed by multiple comparison procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well’s median and the background median levels for each constituent.	Same		
185	(f)	(3)				A tolerance or prediction interval procedure, in which an interval for each constituent is established from the distribution of the background data and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.	Same		
186	(f)	(4)				A control chart approach that gives control limits for each constituent.	Same		
187	(f)	(5)				Another statistical test method that meets the performance standards of paragraph (g) of this section.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
188	(f)	(6)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the selected statistical method is appropriate for evaluating the groundwater monitoring data for the CCR management area. The certification must include a narrative description of the statistical method selected to evaluate the groundwater monitoring data.	Same		
189	(g)	(1)				<i>Any statistical method chosen under paragraph (f) of this section shall comply with the following performance standards, as appropriate, based on the statistical test method used:</i>	Same		
						The statistical method used to evaluate groundwater monitoring data shall be appropriate for the distribution of constituents. Normal distributions of data values shall use parametric methods. Non-normal distributions shall use non-parametric methods. If the distribution of the constituents is shown by the owner or operator of the CCR unit to be inappropriate for a normal theory test, then the data must be transformed or a distribution-free (non-parametric) theory test must be used. If the distributions for the constituents differ, more than one statistical method may be needed.	Same		
190	(g)	(2)				If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a groundwater protection standard, the test shall be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparison procedure is used, the Type I experiment wise error rate for each testing period shall be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons must be maintained. This performance standard does not apply to tolerance intervals, prediction intervals, or control charts.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
191	(g)	(3)				If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its associated parameter values shall be such that this approach is at least as effective as any other approach in this section for evaluating groundwater data. The parameter values shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.	Same		
192	(g)	(4)				If a tolerance interval or a predictional interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, shall be such that this approach is at least as effective as any other approach in this section for evaluating groundwater data. These parameters shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.	Same		
193	(g)	(5)				The statistical method must account for data below the limit of detection with one or more statistical procedures that shall at least as effective as any other approach in this section for evaluating groundwater data. Any practical quantitation limit that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.	Same		
194	(g)	(6)				If necessary, the statistical method must include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.	Same		
195	(h)					The owner or operator of the CCR unit must determine whether or not there is a statistically significant increase over background values for each constituent required in the particular groundwater monitoring program that applies to the CCR unit, as determined under § 257.94(a) or § 257.95(a).	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
196	(h)	(1)				In determining whether a statistically significant increase has occurred, the owner or operator must compare the groundwater quality of each constituent at each monitoring well designated pursuant to § 257.91(a)(2) or (d)(1) to the background value of that constituent, according to the statistical procedures and performance standards specified under paragraphs (f) and (g) of this section.	Same		
197	(h)	(2)				Within 90 days after completing sampling and analysis, the owner or operator must determine whether there has been a statistically significant increase over background for any constituent at each monitoring well.	Same		
198	(i)					The owner or operator must measure “total recoverable metals” concentrations in measuring groundwater quality. Measurement of total recoverable metals captures both the particulate fraction and dissolved fraction of metals in natural waters. Groundwater samples shall not be fieldfiltered prior to analysis.	Same		
199	(j)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Same		
200	§ 257.94 Detection Monitoring Program								
201	The owner of operator of the CCR unit must meet all the requirements (a) through (f) and all their components.								
202	(a)					The owner or operator of a CCR unit must conduct detection monitoring at all groundwater monitoring wells consistent with this section. At a minimum, a detection monitoring program must include groundwater monitoring for all constituents listed in appendix III to this part.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
203	(b)					Except as provided in paragraph (d) of this section, the monitoring frequency for the constituents listed in appendix III to this part shall be at least semiannual during the active life of the CCR unit and the post-closure period. For existing CCR landfills and existing CCR surface impoundments, a minimum of eight independent samples from each background and downgradient well must be collected and analyzed for the constituents listed in appendix III and IV to this part no later than October 17, 2017. For new CCR landfills, new CCR surface impoundments, and all lateral expansions of CCR units, a minimum of eight independent samples for each background well must be collected and analyzed for the constituents listed in appendices III and IV to this part during the first six months of sampling.	Same		
204	(c)					The number of samples collected and analyzed for each background well and downgradient well during subsequent semiannual sampling events must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each background and downgradient well.	Same		
205	(d)	(1)				The owner or operator of a CCR unit may demonstrate the need for an alternative monitoring frequency for repeated sampling and analysis for constituents listed in appendix III to this part during the active life and the post-closure care period based on the availability of groundwater. If there is not adequate groundwater flow to sample wells semiannually, the alternative frequency shall be no less than annual. The need to vary monitoring frequency must be evaluated on a site-specific basis. The demonstration must be supported by, at a minimum, the information specified in paragraphs (d)(1) and (2) of this section.	Same		
206	(d)	(1)	(i)			<i>The alternative frequency must be based on consideration of the following factors:</i>	Same		
						Lithology of the aquifer and unsaturated zone;			
207	(d)	(1)	(ii)			Hydraulic conductivity of the aquifer and unsaturated zone; and	Same		
208	(d)	(1)	(iii)			Groundwater flow rates.	Same		



						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
209	(d)	(2)				Information documenting that the alternative frequency will be no less effective in ensuring that any leakage from the CCR unit will be discovered within a timeframe that will not materially delay establishment of an assessment monitoring program.	Same		
210	(d)	(3)				The owner or operator must obtain a certification from a qualified demonstration for an alternative groundwater sampling and analysis frequency meets the requirements of this section. The owner or operator must include the demonstration providing the basis for the alternative monitoring frequency and the certification by a qualified professional engineer in the annual groundwater monitoring and corrective action report required by § 257.90(e).	Same		
211	(e)	(1)				<i>If the owner or operator of the CCR unit determines, pursuant to § 257.93(h) that there is a statistically significant increase over background levels for one or more of the constituents listed in appendix III to this part at any monitoring well at the waste boundary specified under § 257.91(a)(2), the owner or operator must:</i>	Same		
						Except as provided for in paragraph (e)(2) of this section, within 90 days of detecting a statistically significant increase over background levels for any constituent, establish an assessment monitoring program meeting the requirements of § 257.95.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
212	(e)	(2)				The owner or operator may demonstrate that a source other than the CCR unit caused the statistically significant increase over background levels for a constituent or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. The owner or operator must complete the written demonstration within 90 days of detecting a statistically significant increase over background levels to include obtaining a certification from a qualified professional engineer verifying the accuracy of the information in the report. If a successful demonstration is completed within the 90-day period, the owner or operator of the CCR unit may continue with a detection monitoring program under this section. If a successful demonstration is not completed within the 90-day period, the owner or operator of the CCR unit must initiate an assessment monitoring program as required under § 257.95. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.	Same		
213	(e)	(3)				The owner or operator of a CCR unit must prepare a notification stating that an assessment monitoring program has been established. The owner or operator has completed the notification when the notification is placed in the facility’s operating record as required by § 257.105(h)(5).	Same		
214	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Same		
215 § 257.95 Assessment Monitoring Program									
216 The owner of operator of the CCR unit must meet all the requirements (a) through (h) and all their components.									
217	(a)					Assessment monitoring is required whenever a statistically significant increase over background levels has been detected for one or more of the constituents listed in appendix III to this part.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
218	(b)					Within 90 days of triggering an assessment monitoring program, and annually thereafter, the owner or operator of the CCR unit must sample and analyze the groundwater for all constituents listed in appendix IV to this part. The number of samples collected and analyzed for each well during each sampling event must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each well.	Same		
219	(c)	(1)				The owner or operator of a CCR unit may demonstrate the need for an alternative monitoring frequency for repeated sampling and analysis for constituents listed in appendix IV to this part during the active life and the post-closure care period based on the availability of groundwater. If there is not adequate groundwater flow to sample wells semiannually, the alternative frequency shall be no less than annual. The need to vary monitoring frequency must be evaluated on a site-specific basis. The demonstration must be supported by, at a minimum, the information specified in paragraphs (c)(1) and (2) of this section. Information documenting that the need for less frequent sampling.	Same		
220	(c)	(1)	(i)			<i>The alternative frequency must be based on consideration of the following factors:</i>	Same		
						Lithology of the aquifer and unsaturated zone;			
221	(c)	(1)	(ii)			Hydraulic conductivity of the aquifer and unsaturated zone; and	Same		
222	(c)	(1)	(iii)			Groundwater flow rates.	Same		
223	(c)	(2)				Information documenting that the alternative frequency will be no less effective in ensuring that any leakage from the CCR unit will be discovered within a timeframe that will not materially delay the initiation of any necessary remediation measures.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
224	(c)	(3)				The owner or operator must obtain a certification from a qualified professional engineer stating that the demonstration for an alternative groundwater sampling and analysis frequency meets the requirements of this section. The owner or operator must include the demonstration providing the basis for the alternative monitoring frequency and the certification by a qualified professional engineer in the annual groundwater monitoring and corrective action report required by § 257.90(e).	Same		
222	(d)	(1)				After obtaining the results from the initial and subsequent sampling events required in paragraph (b) of this section, the owner or operator must:	Same		
						Within 90 days of obtaining the results, and on at least a semiannual basis thereafter, resample all wells that were installed pursuant to the requirements of § 257.91, conduct analyses for all parameters in appendix III to this part and for those constituents in appendix IV to this part that are detected in response to paragraph (b) of this section, and record their concentrations in the facility operating record. The number of samples collected and analyzed for each background well and downgradient well during subsequent semiannual sampling events must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each background and downgradient well;			
223	(d)	(2)				Establish groundwater protection standards for all constituents detected pursuant to paragraph (b) or (d) of this section. The groundwater protection standards must be established in accordance with paragraph (h) of this section; and	Same		
224	(d)	(3)				Include the recorded concentrations required by paragraph (d)(1) of this section, identify the background concentrations established under § 257.94(b), and identify the groundwater protection standards established under paragraph (d)(2) of this section in the annual groundwater monitoring and corrective action report required by § 257.90(e).	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
225	(e)					If the concentrations of all constituents listed in appendices III and IV to this part are shown to be at or below background values, using the statistical procedures in § 257.93(g), for two consecutive sampling events, the owner or operator may return to detection monitoring of the CCR unit. The owner or operator must prepare a notification stating that detection monitoring is resuming for the CCR unit. The owner or operator has completed the notification when the notification is placed in the facility's operating record as required by § 257.105(h)(7).	Same		
226	(f)					If the concentrations of any constituent in appendices III and IV to this part are above background values, but all concentrations are below the groundwater protection standard established under paragraph (h) of this section, using the statistical procedures in § 257.93(g), the owner or operator must continue assessment monitoring in accordance with this section.	Same		
227	(g)					If one or more constituents in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under paragraph (h) of this section in any sampling event, the owner or operator must prepare a notification identifying the constituents in appendix IV to this part that have exceeded the groundwater protection standard. The owner or operator has completed the notification when the notification is placed in the facility's operating record as required by § 257.105(h)(8).	Same		
228	(g)	(1)	(i)			<i>The owner or operator of the CCR unit also must:</i>			
						Characterize the nature and extent of the release and any relevant site conditions that may affect the remedy ultimately selected. The characterization must be sufficient to support a complete and accurate assessment of the corrective measures necessary to effectively clean up all releases from the CCR unit pursuant to § 257.96. Characterization of the release includes the following minimum measures: Install additional monitoring wells necessary to define the contaminant plume(s);	Same		
230	(g)	(1)	(ii)			Collect data on the nature and estimated quantity of material released including specific information on the constituents listed in appendix IV of this part and the levels at which they are present in the material released;	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
231	(g)	(1)	(iii)			Install at least one additional monitoring well at the facility boundary in the direction of contaminant migration and sample this well in accordance with paragraph (d)(1) of this section; and	Same		
232	(g)	(1)	(iv)			Sample all wells in accordance with paragraph (d)(1) of this section to characterize the nature and extent of the release.	Same		
233	(g)	(2)				Notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site if indicated by sampling of wells in accordance with paragraph (g)(1) of this section.	Same		
234	(g)	(2)	(i)			The owner or operator has completed the notifications when they are placed in the facility's operating record as required by § 257.105(h)(8).	Same		
235	(g)	(3)	(i)			<i>Within 90 days of finding that any of the constituents listed in appendix IV to this part have been detected at a statistically significant level exceeding the groundwater protection standards the owner or operator must either:</i>	Same		
						Initiate an assessment of corrective measures as required by § 257.96; or			
236	(g)	(3)	(ii)			Demonstrate that a source other than the CCR unit caused the contamination, or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. Any such demonstration must be supported by a report that includes the factual or evidentiary basis for any conclusions and must be certified to be accurate by a qualified professional engineer. If a successful demonstration is made, the owner or operator must continue monitoring in accordance with the assessment monitoring program pursuant to this section, and may return to detection monitoring if the constituents in appendices III and IV to this part are at or below background as specified in paragraph (e) of this section. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.	Same		
237	(g)	(4)				If a successful demonstration has not been made at the end of the 90 day period provided by paragraph (g)(3)(ii) of this section, the owner or operator of the CCR unit must initiate the assessment of corrective measures requirements under § 257.96.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
238	(g)	(5)				If an assessment of corrective measures is required under § 257.96 by either paragraph (g)(3)(i) or (g)(4) of this section, and if the CCR unit is an existing unlined CCR surface impoundment as determined by § 257.71(a), then the CCR unit is subject to the closure requirements under § 257.101(a) to retrofit or close. In addition, the owner or operator must prepare a notification stating that an assessment of corrective measures has been initiated.	Same		
239	(h)					The owner or operator of the CCR unit must establish a groundwater protection standard for each constituent in appendix IV to this part detected in the groundwater.	Same		
240	(h)	(1)				<i>The groundwater protection standard shall be:</i>	Same		
						The owner or operator of the CCR unit must establish a groundwater protection standard for each constituent in appendix IV to this part detected in the groundwater. The groundwater protection standard shall be: For constituents for which a maximum contaminant level (MCL) has been established under §§ 141.62 and 141.66 of this title, the MCL for that constituent;			
241	(h)	(2)				For constituents for which an MCL has not been established, the background concentration for the constituent established from wells in accordance with § 257.91; or	Same		
242	(h)	(3)				For constituents for which the background level is higher than the MCL identified under paragraph (h)(1) of this section, the background concentration. (i) The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Same		
243	§ 257.96 Assessment of Corrective Measures								
244	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (f) and all their components.</i>								

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
245	(a)					Within 90 days of finding that any constituent listed in appendix IV to this part has been detected at a statistically significant level exceeding the groundwater protection standard defined under § 257.95(h), or immediately upon detection of a release from a CCR unit, the owner or operator must initiate an assessment of corrective measures to prevent further releases, to remediate any releases and to restore affected area to original conditions. The assessment of corrective measures must be completed within 90 days, unless the owner or operator demonstrates the need for additional time to complete the assessment of corrective measures due to site-specific conditions or circumstances. The owner or operator must obtain a certification from a qualified professional engineer attesting that the demonstration is accurate. The 90-day deadline to complete the assessment of corrective measures may be extended for no longer than 60 days. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.	Same		
246	(b)					The owner or operator of the CCR unit must continue to monitor groundwater in accordance with the assessment monitoring program as specified in § 257.95.	Same		
247	(c)	(1)				<i>The assessment under paragraph (a) of this section must include an analysis of the effectiveness of potential corrective measures in meeting all of the requirements and objectives of the remedy as described under § 257.97 addressing at least the following:</i>	Same		
						The performance, reliability, ease of implementation, and potential impacts of appropriate potential remedies, including safety impacts, cross-media impacts, and control of exposure to any residual contamination;			
248	(c)	(2)				The time required to begin and complete the remedy;	Same		
249	(c)	(3)				The institutional requirements, such as state or local permit requirements or other environmental or public health requirements that may substantially affect implementation of the remedy(s).	Same		



						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
250	(d)					The owner or operator must place the completed assessment of corrective measures in the facility’s operating record. The assessment has been completed when it is placed in the facility’s operating record as required by § 257.105(h)(10).	Same		
251	(e)					The owner or operator must discuss the results of the corrective measures assessment at least 30 days prior to the selection of remedy, in a public meeting with interested and affected parties.	Same		
252	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Same		
253						§ 257.97 Selection of Remedy			
254						The owner of operator of the CCR unit must meet all the requirements (a) through (e) and all their components.			
255	(a)					Based on the results of the corrective measures assessment conducted under § 257.96, the owner or operator must, as soon as feasible, select a remedy that, at a minimum, meets the standards listed in paragraph (b) of this section. This requirement applies to, not in place of, any applicable standards under the Occupational Safety and Health Act. The owner or operator must prepare a semiannual report describing the progress in selecting and designing the remedy. Upon selection of a remedy, the owner or operator must prepare a final report describing the selected remedy and how it meets the standards specified in paragraph (b) of this section. The owner or operator must obtain a certification from a qualified professional engineer that the remedy selected meets the requirements of this section. The report has been completed when it is placed in the operating record as required by § 257.105(h)(12).	Same		
256	(b)	(1)				Remedies must:	Same		
						Be protective of human health and the environment;			
257	(b)	(2)				Attain the groundwater protection standard as specified pursuant to § 257.95(h);	Same		
258	(b)	(3)				Control the source(s) of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of constituents in appendix IV to this part into the environment;	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
259	(b)	(4)				Remove from the environment as much of the contaminated material that was released from the CCR unit as is feasible, taking into account factors such as avoiding inappropriate disturbance of sensitive ecosystems;	Same		
260	(b)	(5)				Comply with standards for management of wastes as specified in § 257.98(d).	Same		
261	(c)					<i>In selecting a remedy that meets the standards of paragraph (b) of this section, the owner or operator of the CCR unit shall consider the following evaluation factors:</i>	Same		
						The long- and short-term effectiveness and protectiveness of the potential remedy(s), along with the degree of certainty that the remedy will prove successful.			
262	(c)	(1)	(i)			<i>The remedy will prove successful based on consideration of the following:</i>	Same		
						Magnitude of reduction of existing risks;			
263	(c)	(1)	(ii)			Magnitude of residual risks in terms of likelihood of further releases due to CCR remaining following implementation of a remedy;	Same		
264	(c)	(1)	(iii)			The type and degree of long-term management required, including monitoring, operation, and maintenance;	Same		
265	(c)	(1)	(iv)			Short-term risks that might be posed to the community or the environment during implementation of such a remedy, including potential threats to human health and the environment associated with excavation, transportation, and redisposal of contaminant;	Same		
266	(c)	(1)	(v)			Time until full protection is achieved;	Same		
267	(c)	(1)	(vi)			Potential for exposure of humans and environmental receptors to remaining wastes, considering the potential threat to human health and the environment associated with excavation, transportation, re-disposal, or containment;	Same		
268	(c)	(1)	(vii)			Long-term reliability of the engineering and institutional controls; and (viii) Potential need for replacement of the remedy.	Same		
269	(c)	(2)	(i)			<i>The effectiveness of the remedy in controlling the source to reduce further releases based on consideration of the following factors:</i>	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
						The extent to which containment practices will reduce further releases; and			
270	(c)	(2)	(ii)			The extent to which treatment technologies may be used.	Same		
271	(c)	(3)	(i)			<i>The ease or difficulty of implementing a potential remedy(s) based on consideration of the following types of factors:</i>	Same		
						Degree of difficulty associated with constructing the technology;			
272	(c)	(3)	(ii)			Expected operational reliability of the technologies;	Same		
273	(c)	(3)	(iii)			Need to coordinate with and obtain necessary approvals and permits from other agencies;	Same		
274	(c)	(3)	(iv)			Availability of necessary equipment and specialists; and	Same		
275	(c)	(3)	(v)			Available capacity and location of needed treatment, storage, and disposal services.	Same		
276	(c)	(4)				The degree to which community concerns are addressed by a potential remedy(s).	Same		
277	(d)					The owner or operator must specify as part of the selected remedy a schedule(s) for implementing and completing remedial activities. Such a schedule must require the completion of remedial activities within a reasonable period of time taking into consideration the factors set forth in paragraphs (d)(1) through (6) of this section.	Same		
278	(d)	(1)				<i>The owner or operator of the CCR unit must consider the following factors in determining the schedule of remedial activities:</i>	Same		
						Extent and nature of contamination, as determined by the characterization required under § 257.95(g);			
279	(d)	(2)				Reasonable probabilities of remedial technologies in achieving compliance with the groundwater protection standards established under § 257.95(h) and other objectives of the remedy;	Same		
280	(d)	(3)				Availability of treatment or disposal capacity for CCR managed during implementation of the remedy;	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
281	(d)	(4)				Potential risks to human health and the environment from exposure to contamination prior to completion of the remedy;	Same		
282	(d)	(5)	(i)			Resource value of the aquifer including: Current and future uses;	Same		
283	(d)	(5)	(ii)			Proximity and withdrawal rate of users;	Same		
284	(d)	(5)	(iii)			Groundwater quantity and quality;	Same		
285	(d)	(5)	(iv)			The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to CCR constituents;	Same		
286	(d)	(5)	(v)			The hydrogeologic characteristic of the facility and surrounding land; and (vi) The availability of alternative water supplies; and	Same		
287	(d)	(6)				Other relevant factors.	Same		
288	(e)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Same		
289	<b>§ 257.98 Implementation of the Corrective Action Program</b>								
290	<i>The owner of operator of the CCR unit must meet all the requirements (a) through (f) and all their components.</i>								
291	(a)					Within 90 days of selecting a remedy under § 257.97, the owner or operator must initiate remedial activities.	Same		
292	(a)	(1)				<i>Based on the schedule established under § 257.97(d) for implementation and completion of remedial activities the owner or operator must:</i>	Same		
						Establish and implement a corrective action groundwater monitoring program.			
293	(a)	(1)	(i)			<i>The corrective action groundwater monitoring program must:</i>	Same		
						At a minimum, meets the requirements of an assessment monitoring program under § 257.95;			
294	(a)	(1)	(ii)			Documents the effectiveness of the corrective action remedy; and	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
295	(a)	(1)	(iii)			Demonstrates compliance with the groundwater protection standard pursuant to paragraph (c) of this section.	Same		
296	(a)	(2)				Implement the corrective action remedy selected under § 257.97; and	Same		
297	(a)	(3)				Take any interim measures necessary to reduce the contaminants leaching from the CCR unit, and/or potential exposures to human or ecological receptors. Interim measures must, to the greatest extent feasible, be consistent with the objectives of and contribute to the performance of any remedy that may be required pursuant to § 257.97.	Same		
298	(a)	(3)	(i)			<i>The following factors must be considered by an owner or operator in determining whether interim measures are necessary:</i>	Same		
						Time required to develop and implement a final remedy;			
299	(a)	(3)	(ii)			Actual or potential exposure of nearby populations or environmental receptors to any of the constituents listed in appendix IV of this part;	Same		
300	(a)	(3)	(iii)			Actual or potential contamination of drinking water supplies or sensitive ecosystems;	Same		
301	(a)	(3)	(iv)			Further degradation of the groundwater that may occur if remedial action is not initiated expeditiously;	Same		
302	(a)	(3)	(v)			Weather conditions that may cause any of the constituents listed in appendix IV to this part to migrate or be released;	Same		
303	(a)	(3)	(vi)			Potential for exposure to any of the constituents listed in appendix IV to this part as a result of an accident or failure of a container or handling system; and	Same		
304	(a)	(3)	(vii)			Other situations that may pose threats to human health and the environment.	Same		
305	(b)					If an owner or operator of the CCR unit, determines, at any time, that compliance with the requirements of § 257.97(b) is not being achieved through the remedy selected, the owner or operator must implement other methods or techniques that could feasibly achieve compliance with the requirements.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
306	(c)	(1)				Remedies selected pursuant to § 257.97 shall be considered complete when:	Same		
						The owner or operator of the CCR unit demonstrates compliance with the groundwater protection standards established under § 257.95(h) has been achieved at all points within the plume of contamination that lie beyond the groundwater monitoring well system established under § 257.91.			
307	(c)	(2)				Compliance with the groundwater protection standards established under § 257.95(h) has been achieved by demonstrating that concentrations of constituents listed in appendix IV to this part have not exceeded the groundwater protection standard(s) for a period of three consecutive years using the statistical procedures and performance standards in § 257.93(f) and (g).	Same		
308	(c)	(3)				All actions required to complete the remedy have been satisfied.	Same		
309	(d)					All CCR that are managed pursuant to a remedy required under § 257.97, or an interim measure required under paragraph (a)(3) of this section, shall be managed in a manner that complies with all applicable RCRA requirements.	Same		
310	(e)					Upon completion of the remedy, the owner or operator must prepare a notification stating that the remedy has been completed. The owner or operator must obtain a certification from a qualified professional engineer attesting that the remedy has been completed in compliance with the requirements of paragraph (c) of this section. The report has been completed when it is placed in the operating record as required by § 257.105(h)(13).	Same		
311	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).	Same		
312	§ 257.101 Closure or Retrofit of CCR Units								
313	The owner or operator of the CCR unit must meet all the requirements (a) through (d) and all their components.								

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
314	(a)	(1)				The owner or operator of an existing unlined CCR surface impoundment, as determined under § 257.71(a), is subject to the requirements of paragraph (a)(1) of this section. Except as provided by paragraph (a)(3) of this section, if at any time after October 19, 2015 an owner or operator of an existing unlined CCR surface impoundment determines in any sampling event that the concentrations of one or more constituents listed in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under § 257.95(h) for such CCR unit, within six months of making such determination, the owner or operator of the existing unlined CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR surface impoundment and either retrofit or close the CCR unit in accordance with the requirements of § 257.102.	Same	NA	NA
315	(a)	(2)				An owner or operator of an existing unlined CCR surface impoundment that closes in accordance with paragraph (a)(1) of this section must include a statement in the notification required under § 257.102(g) or (k)(5) that the CCR surface impoundment is closing or retrofitting under the requirements of paragraph (a)(1) of this section.	Same	NA	NA
316	(a)	(3)				The timeframe specified in paragraph (a)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.	Same	NA	NA
317	(a)	(4)				At any time after the initiation of closure under paragraph (a)(1) of this section, the owner or operator may cease closure activities and initiate a retrofit of the CCR unit in accordance with the requirements of § 257.102(k).	Same	NA	NA
318	(b)	(1)				The owner or operator of an existing CCR surface impoundment is subject to the requirements of paragraph (b)(1) of this section. Except as provided by paragraph (b)(4) of this section, within six months of determining that an existing CCR surface impoundment has not demonstrated compliance with any location standard specified in §§ 257.60(a), 257.61(a), 257.62(a), 257.63(a), and 257.64(a), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.	Same	NA	NA

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
319	(b)	(2)				Within six months of either failing to complete the initial or any subsequent periodic safety factor assessment required by § 257.73(e) by the deadlines specified in § 257.73(f)(1) through (3) or failing to document that the calculated factors of safety for the existing CCR surface impoundment achieve the minimum safety factors specified in § 257.73(e)(1)(i) through (iv), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.	Same	NA	NA
320	(b)	(3)				An owner or operator of an existing CCR surface impoundment that closes in accordance with paragraphs (b)(1) or (2) of this section must include a statement in the notification required under § 257.102(g) that the CCR surface impoundment is closing under the requirements of paragraphs (b)(1) or (2) of this section.	Same	NA	NA
321	(b)	(4)				The timeframe specified in paragraph (b)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.	Same	NA	NA
322	(c)	(1)				The owner or operator of a new CCR surface impoundment is subject to the requirements of paragraph (c)(1) of this section. Within six months of either failing to complete the initial or any subsequent periodic safety factor assessment required by § 257.74(e) by the deadlines specified in § 257.74(f)(1) through (3) or failing to document that the calculated factors of safety for the new CCR surface impoundment achieve the minimum safety factors specified in § 257.74(e)(1)(i) through (v), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.	Same	NA	NA
323	(c)	(2)				An owner or operator of an new CCR surface impoundment that closes in accordance with paragraph (c)(1) of this section must include a statement in the notification required under § 257.102(g) that the CCR surface impoundment is closing under the requirements of paragraph (c)(1) of this section.	Same	NA	NA



						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
324	(d)	(1)				The owner or operator of an existing CCR landfill is subject to the requirements of paragraph (d)(1) of this section. Except as provided by paragraph (d)(3) of this section, within six months of determining that an existing CCR landfill has not demonstrated compliance with the location restriction for unstable areas specified in § 257.64(a), the owner or operator of the CCR unit must cease placing CCR and non-CCR waste streams into such CCR landfill and close the CCR unit in accordance with the requirements of § 257.102.	Same		NA
325	(d)	(2)				An owner or operator of an existing CCR landfill that closes in accordance with paragraph (d)(1) of this section must include a statement in the notification required under § 257.102(g) that the CCR landfill is closing under the requirements of paragraph (d)(1) of this section.	Same		NA
326	(d)	(3)				The timeframe specified in paragraph (d)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.	Same		NA
327	§ 257.102 Criteria for Conducting the Closure or Retrofit of CCR Units								
328	The owner or operator of the CCR unit must meet all the requirements (a) through (k) and all their components.								
329	(a)					Closure of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit must be completed either by leaving the CCR in place and installing a final cover system or through removal of the CCR and decontamination of the CCR unit, as described in paragraphs (b) through (j) of this section. Retrofit of a CCR surface impoundment must be completed in accordance with the requirements in paragraph (k) of this section.	Same		
330	(b)	(1)				The owner or operator of a CCR unit must prepare a written closure plan that describes the steps necessary to close the CCR unit at any point during the active life of the CCR unit consistent with recognized and generally accepted good engineering practices.	Same		
331	(b)	(1)	(i)			The written closure plan must include, at a minimum, the information specified in paragraphs (b)(1)(i) through (vi) of this section:	Same		
						A narrative description of how the CCR unit will be closed in accordance with this section.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
332	(b)	(1)	(ii)			If closure of the CCR unit will be accomplished through removal of CCR from the CCR unit, a description of the procedures to remove the CCR and decontaminate the CCR unit in accordance with paragraph (c) of this section.	Same		
333	(b)	(1)	(iii)			If closure of the CCR unit will be accomplished by leaving CCR in place, a description of the final cover system, designed in accordance with paragraph (d) of this section, and the methods and procedures to be used to install the final cover. The closure plan must also discuss how the final cover system will achieve the performance standards specified in paragraph (d) of this section.	Same		
334	(b)	(1)	(iv)			An estimate of the maximum inventory of CCR ever on-site over the active life of the CCR unit.	Same		
335	(b)	(1)	(v)			An estimate of the largest area of the CCR unit ever requiring a final cover as required by paragraph (d) of this section at any time during the CCR unit's active life.	Same		
336	(b)	(1)	(v) (vi)			A schedule for completing all activities necessary to satisfy the closure criteria in this section, including an estimate of the year in which all closure activities for the CCR unit will be completed. The schedule should provide sufficient information to describe the sequential steps that will be taken to close the CCR unit, including identification of major milestones such as coordinating with and obtaining necessary approvals and permits from other agencies, the dewatering and stabilization phases of CCR surface impoundment closure, or installation of the final cover system, and the estimated timeframes to complete each step or phase of CCR unit closure. When preparing the written closure plan, if the owner or operator of a CCR unit estimates that the time required to complete closure will exceed the timeframes specified in paragraph (f)(1) of this section, the written closure plan must include the site-specific information, factors and considerations that would support any time extension sought under paragraph (f)(2) of this section.	Same		
337	(b)	(2)	(i)			The owner or operator of an existing CCR landfill and existing CCR surface impoundment must prepare an initial written closure plan consistent with the requirements specified in paragraph (b)(1) of this section, no later than October 17, 2016.	Same		NA

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
338	(b)	(2)	(ii)			For new CCR landfills and new CCR surface impoundments, and any lateral expansion of a CCR unit, the owner or operator must prepare an initial written closure plan consistent with the requirements specified in paragraph (b)(1) of this section, no later than the date of the initial receipt of CCR in the CCR unit.	Same	NA	
339	(b)	(2)	(iii)			The owner or operator has completed the written closure plan when the plan, including the certification required by paragraph (b)(4) of this section, has been placed in the facility's operating record as required by § 257.105(i)(4).	Same		
340	(b)	(3)	(i)			The owner or operator may amend the initial or any subsequent written closure plan developed pursuant to paragraph (b)(1) of this section at any time.	Same		
341	(b)	(3)	(ii)	(A)		<i>The owner or operator must amend the written closure plan whenever:</i>	Same		
						There is a change in the operation of the CCR unit that would substantially affect the written closure plan in effect; or			
342	(b)	(3)	(ii)	(B)		Before or after closure activities have commenced, unanticipated events necessitate a revision of the written closure plan.	Same		
343	(b)	(3)	(iii)			The owner or operator must amend the closure plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the need to revise an existing written closure plan. If a written closure plan is revised after closure activities have commenced for a CCR unit, the owner or operator must amend the current closure plan no later than 30 days following the triggering event.	Same		
344	(b)	(4)				The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the initial and any amendment of requirements of this section.	Same		
345	(c)					An owner or operator may elect to close a CCR unit by removing and decontaminating all areas affected by releases from the CCR unit. CCR removal and decontamination of the CCR unit are complete when constituent concentrations throughout the CCR unit and any areas affected by releases from the CCR unit have been removed and groundwater monitoring concentrations do not exceed the groundwater protection standard established pursuant to § 257.95(h) for constituents listed in appendix IV to this part.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
346	(d)	(1)	(i)			<i>The owner or operator of a CCR unit must ensure that, at a minimum, the CCR unit is closed in a manner that will:</i>	Same		
						Control, minimize or eliminate, to the maximum extent feasible, postclosure infiltration of liquids into the waste and releases of CCR, leachate, or contaminated run-off to the ground or surface waters or to the atmosphere;			
347	(d)	(1)	(ii)			Preclude the probability of future impoundment of water, sediment, or slurry;	Same		
348	(d)	(1)	(iii)			Include measures that provide for major slope stability to prevent the sloughing or movement of the final cover system during the closure and post-closure care period;	Same		
349	(d)	(1)	(iv)			Minimize the need for further maintenance of the CCR unit; and	Same		
350	(d)	(1)	(v)			Be completed in the shortest amount of time consistent with recognized and generally accepted good engineering practices.	Same		
351	(d)	(2)	(i)			<i>The owner or operator of a CCR surface impoundment or any lateral expansion of a CCR surface impoundment must meet the requirements of paragraphs (d)(2)(i) and (ii) of this section prior to installing the final cover system required under paragraph (d)(3) of this section.</i>	Same	NA	NA
						Free liquids must be eliminated by removing liquid wastes or solidifying the remaining wastes and waste residues.			
352	(d)	(2)	(ii)			Remaining wastes must be stabilized sufficient to support the final cover system.	Same	NA	NA
353	(d)	(3)				If a CCR unit is closed by leaving CCR in place, the owner or operator must install a final cover system that is designed to minimize infiltration and erosion, and at a minimum, meets the requirements of paragraph (d)(3)(i) of this section, or the requirements of the alternative final cover system specified in paragraph (d)(3)(ii) of this section.	Same		
354	(d)	(3)	(i)			The final cover system must be designed and constructed to meet the criteria in paragraphs (d)(3)(i)(A) through (D) of this section.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
355	(d)	(3)	(i)	(A)		<i>The design of the final cover system must be included in the written closure plan required by paragraph (b) of this section.</i>	Same		
						The permeability of the final cover system must be less than or equal to the permeability of any bottom liner system or natural subsoils present, or a permeability no greater than $1 \times 10^{-5}$ cm/sec, whichever is less.			
356	(d)	(3)	(i)	(B)		The infiltration of liquids through the closed CCR unit must be minimized by the use of an infiltration layer that contains a minimum of 18 inches of earthen material.	Same		
357	(d)	(3)	(i)	(C)		The erosion of the final cover system must be minimized by the use of an erosion layer that contains a minimum of six inches of earthen material that is capable of sustaining native plant growth.	Same		
358	(d)	(3)	(i)	(D)		The disruption of the integrity of the final cover system must be minimized through a design that accommodates settling and subsidence.	Same		
359	(d)	(3)	(ii)			The owner or operator may select an alternative final cover system design, provided the alternative final cover system is designed and constructed to meet the criteria in paragraphs (f)(3)(ii)(A) through (D) of this section.	Same		
360	(d)	(3)	(ii)	(A)		<i>The design of the final cover system must be included in the written closure plan required by paragraph (b) of this section.</i>	Same		
						The design of the final cover system must include an infiltration layer that achieves an equivalent reduction in infiltration as the infiltration layer specified in paragraphs (d)(3)(i)(A) and (B) of this section.			
361	(d)	(3)	(ii)	(B)		The design of the final cover system must include an erosion layer that provides equivalent protection from wind or water erosion as the erosion layer specified in paragraph (d)(3)(i)(C) of this section.	Same		
362	(d)	(3)	(ii)	(C)		The disruption of the integrity of the final cover system must be minimized through a design that accommodates settling and subsidence.	Same		
363	(d)	(3)	(iii)			The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the design of the final cover system meets the requirements of this section.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
364	(e)					Except as provided for in paragraph (e)(4) of this section and § 257.103, the owner or operator of a CCR unit must commence closure of the CCR unit no later than the applicable timeframes specified in either paragraph (e)(1) or (2) of this section.	Same		
365	(e)	(1)	(i)			<i>The owner or operator must commence closure of the CCR unit no later than 30 days after the date on which the CCR unit either:</i>	Same		
						Receives the known final receipt of waste, either CCR or any non-CCR waste stream; or			
366	(e)	(1)	(ii)			Removes the known final volume of CCR from the CCR unit for the purpose of beneficial use of CCR.	Same		
367	(e)	(2)	(i)			Except as provided by paragraph (e)(2)(ii) of this section, the owner or operator must commence closure of a CCR unit that has not received CCR or any non-CCR waste stream or is no longer removing CCR for the purpose of beneficial use within two years of the last receipt of waste or within two years of the last removal of CCR material for the purpose of beneficial use.	Same		
368	(e)	(2)	(ii)			Notwithstanding paragraph (e)(2)(i) of this section, the owner or operator of the CCR unit may secure an additional two years to initiate closure of the idle unit provided the owner or operator provides written documentation that the CCR unit will continue to accept wastes or will start removing CCR for the purpose of beneficial use. The documentation must be supported by, at a minimum, the information specified in paragraphs (e)(2)(ii)(A) and (B) of this section. The owner or operator may obtain two-year extensions provided the owner or operator continues to be able to demonstrate that there is reasonable likelihood that the CCR unit will accept wastes in the foreseeable future or will remove CCR from the unit for the purpose of beneficial use. The owner or operator must place each completed demonstration, if more than one time extension is sought, in the facility's operating record as required by § 257.105(i)(5) prior to the end of any two-year period.	Same		
369	(e)	(2)	(ii)	(A)		Information documenting that the CCR unit has remaining storage or disposal capacity or that the CCR unit can have CCR removed for the purpose of beneficial use; and	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
370	(e)	(2)	(ii)	(B)		Information demonstrating that that there is a reasonable likelihood that the CCR unit will resume receiving CCR or non-CCR waste streams in the foreseeable future or that CCR can be removed for the purpose of beneficial use. The narrative must include a best estimate as to when the CCR unit will resume receiving CCR or non-CCR waste streams. The situations listed in paragraphs (e)(2)(ii)(B)(1) through (4) of this section are examples of situations that would support a determination that the CCR unit will resume receiving CCR or non-CCR waste streams in the foreseeable future.	Same		
371	(e)	(2)	(ii)	(B)	(1)	Normal plant operations include periods during which the CCR unit does not receive CCR or non-CCR waste streams, such as the alternating use of two or more CCR units whereby at any point in time one CCR unit is receiving CCR while CCR is being removed from a second CCR unit after its dewatering.	Same		
372	(e)	(2)	(ii)	(B)	(2)	The CCR unit is dedicated to a coal-fired boiler unit that is temporarily idled (e.g., CCR is not being generated) and there is a reasonable likelihood that the coal-fired boiler will resume operations in the future.	Same		
373	(e)	(2)	(ii)	(B)	(3)	The CCR unit is dedicated to an operating coal-fired boiler (i.e., CCR is being generated); however, no CCR are being placed in the CCR unit because the CCR are being entirely diverted to beneficial uses, but there is a reasonable likelihood that the CCR unit will again be used in the foreseeable future.	Same		
374	(e)	(2)	(ii)	(B)	(4)	The CCR unit currently receives only non-CCR waste streams and those non-CCR waste streams are not generated for an extended period of time, but there is a reasonable likelihood that the CCR unit will again receive non-CCR waste streams in the future.	Same		
375	(e)	(2)	(iii)			In order to obtain additional time extension(s) to initiate closure of a CCR unit beyond the two years provided by paragraph (e)(2)(i) of this section, the owner or operator of the CCR unit must include with the demonstration required by paragraph (e)(2)(ii) of this section the following statement signed by the owner or operator or an authorized representative: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
376	(e)	(3)	(i)			For purposes of this subpart, closure of the CCR unit has commenced if the owner or operator has ceased placing waste and completes any of the following actions or activities:	Same		
						Taken any steps necessary to implement the written closure plan required by paragraph (b) of this section;			
377	(e)	(3)	(ii)			Submitted a completed application for any required state or agency permit or permit modification; or	Same		
378	(e)	(3)	(iii)			Taken any steps necessary to comply with any state or other agency standards that are a prerequisite, or are otherwise applicable, to initiating or completing the closure of a CCR unit.	Same		
379	(e)	(4)	(ii)			An owner or operator of an existing unlined CCR surface impoundment closing the CCR unit as required by § 257.101(a);	Same	NA	NA
380	(e)	(4)	(iii)			An owner or operator of an existing CCR surface impoundment closing the CCR unit as required by § 257.101(b);	Same	NA	NA
381	(e)	(4)	(iv)			An owner or operator of a new CCR surface impoundment closing the CCR unit as required by § 257.101(c); or	Same	NA	NA
382	(f)					An owner or operator of an existing CCR landfill closing the CCR unit as required by § 257.101(d). (f) Completion of closure activities.	Same		
383	(f)	(1)	(i)			Except as provided for in paragraph (f)(2) of this section, the owner or operator must complete closure of the CCR unit:	Same		
						For existing and new CCR landfills and any lateral expansion of a CCR landfill, within six months of commencing closure activities.			
384	(f)	(1)	(ii)			For existing and new CCR surface impoundments and any lateral expansion of a CCR surface impoundment, within five years of commencing closure activities.	Same		



						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
385	(f)	(2)	(i)			The timeframes for completing closure of a CCR unit specified under paragraphs (f)(1) of this section may be extended if the owner or operator can demonstrate that it was not feasible to complete closure of the CCR unit within the required timeframes due to factors beyond the facility’s control. If the owner or operator is seeking a time extension beyond the time specified in the written closure plan as required by paragraph (b)(1) of this section, the demonstration must include a narrative discussion providing the basis for additional time beyond that specified in the closure plan. The owner or operator must place each completed demonstration, if more than one time extension is sought, in the facility’s operating record as required by § 257.105(i)(6) prior to the end of any two-year period.	Same		
386	(f)	(2)	(i)	(A)		Factors that may support such a demonstration include:	Same		
						Complications stemming from the climate and weather, such as unusual amounts of precipitation or a significantly shortened construction season;			
387	(f)	(2)	(i)	(B)		Time required to dewater a surface impoundment due to the volume of CCR contained in the CCR unit or the characteristics of the CCR in the unit;	Same	NA	NA
388	(f)	(2)	(i)	(C)		The geology and terrain surrounding the CCR unit will affect the amount of material needed to close the CCR unit; or	Same		
389	(f)	(2)	(i)	(D)		Time required or delays caused by the need to coordinate with and obtain necessary approvals and permits from a state or other agency.	Same		
390	(f)	(2)	(ii)	(A)		CCR surface impoundments of 40 acres or smaller may extend the time to complete closure by no longer than two years.	Same	NA	NA
391	(f)	(2)	(ii)	(B)		CCR surface impoundments larger than 40 acres may extend the timeframe to complete closure of the CCR unit multiple times, in two-year increments. For each two-year extension sought, the owner or operator must substantiate the factual circumstances demonstrating the need for the extension. No more than a total of five two-year extensions may be obtained for any CCR surface impoundment.	Same	NA	NA

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
392	(f)	(2)	(ii)	(C)		CCR landfills may extend the timeframe to complete closure of the CCR unit multiple times, in one-year increments. For each one-year extension sought, the owner or operator must substantiate the factual circumstances demonstrating the need for the extension. No more than a total of two one-year extensions may be obtained for any CCR landfill.	Same		
393	(f)	(2)	(iii)			<i>In order to obtain additional time extension(s) to complete closure of a CCR unit beyond the times provided by paragraph (f)(1) of this section, the owner or operator of the CCR unit must include with the demonstration required by paragraph (f)(2)(i) of this section the following statement signed by the owner or operator or an authorized representative:</i>	Same		
						I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.	Same		
394	(f)	(3)				Upon completion, the owner or operator of the CCR unit must obtain a certification from a qualified professional engineer verifying that closure has been completed in accordance with the closure plan specified in paragraph (b) of this section and the requirements of this section.	Same		
395	(g)					No later than the date the owner or operator initiates closure of a CCR unit, the owner or operator must prepare a notification of intent to close a CCR unit. The notification must include the certification by a qualified professional engineer for the design of the final cover system as required by § 257.102(d)(3)(iii), if applicable. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(7).	Same		
396	(h)					Within 30 days of completion of closure of the CCR unit, the owner or operator must prepare a notification of closure of a CCR unit. The notification must include the certification by a qualified professional engineer as required by § 257.102(f)(3). The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(8).	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
397	(i)	(1)				Except as provided by paragraph (i)(4) of this section, following closure of a CCR unit, the owner or operator must record a notation on the deed to the property, or some other instrument that is normally examined during title search.	Same		
398	(i)	(2)	(i)			<i>The notation on the deed must in perpetuity notify any potential purchaser of the property that:</i> The land has been used as a CCR unit; and	Same		
399	(i)	(2)	(ii)			Its use is restricted under the postclosure care requirements as provided by § 257.104(d)(1)(iii).	Same		
400	(i)	(3)				Within 30 days of recording a notation on the deed to the property, the owner or operator must prepare a notification stating that the notation has been recorded. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(9).	Same		
401	(i)	(4)				An owner or operator that closes a CCR unit in accordance with paragraph (c) of this section is not subject to the requirements of paragraphs (i)(1) through (3) of this section.	Same		
402	(j)					The owner or operator of the CCR unit must comply with the closure recordkeeping requirements specified in § 257.105(i), the closure notification requirements specified in § 257.106(i), and the closure Internet requirements specified in § 257.107(i).	Same		
403	(k)	(1)	(i)			<i>To retrofit an existing CCR surface impoundment, the owner or operator must:</i> First remove all CCR, including any contaminated soils and sediments from the CCR unit; and	Same	NA	NA
404	(k)	(1)	(ii)			Comply with the requirements in § 257.72.	Same	NA	NA
405	(k)	(1)	(iii)			A CCR surface impoundment undergoing a retrofit remains subject to all other requirements of this subpart, including the requirement to conduct any necessary corrective action.	Same	NA	NA
406	(k)	(2)	(i)			The owner or operator must prepare a written retrofit plan that describes the steps necessary to retrofit the CCR unit consistent with recognized and generally accepted good engineering practices.	Same	NA	NA

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
407	(k)	(2)	(i)	(A)		<i>The written retrofit plan must include, at a minimum, all of the following information:</i>	Same	NA	NA
						A narrative description of the specific measures that will be taken to retrofit the CCR unit in accordance with this section.			
408	(k)	(2)	(i)	(B)		A description of the procedures to remove all CCR and contaminated soils and sediments from the CCR unit.	Same	NA	NA
409	(k)	(2)	(i)	(C)		An estimate of the maximum amount of CCR that will be removed as part of the retrofit operation.	Same	NA	NA
410	(k)	(2)	(i)	(D)		An estimate of the largest area of the CCR unit that will be affected by the retrofit operation.	Same	NA	NA
411	(k)	(2)	(i)	(E)		A schedule for completing all activities necessary to satisfy the retrofit criteria in this section, including an estimate of the year in which retrofit activities of the CCR unit will be completed.	Same	NA	NA
412	(k)	(2)	(ii)	(A)		Timeframes for preparing the initial written retrofit plan. No later than 60 days prior to date of initiating retrofit activities, the owner or operator must prepare an initial written retrofit plan consistent with the requirements specified in paragraph (k)(2) of this section.	Same	NA	NA
413	(k)	(2)	(ii)	(A)	(1)	<i>For purposes of this subpart, initiation of retrofit activities has commenced if the owner or operator has ceased placing waste in the unit and completes any of the following actions or activities:</i>	Same	NA	NA
						Taken any steps necessary to implement the written retrofit plan;			
414	(k)	(2)	(ii)	(A)	(2)	Submitted a completed application for any required state or agency permit or permit modification; or	Same	NA	NA
415	(k)	(2)	(ii)	(A)	(3)	Taken any steps necessary to comply with any state or other agency standards that are a prerequisite, or are otherwise applicable, to initiating or completing the retrofit of a CCR unit.	Same	NA	NA
416	(k)	(2)	(ii)	(B)		The owner or operator has completed the written retrofit plan when the plan, including the certification required by paragraph (k)(2)(iv) of this section, has been placed in the facility's operating record as required by § 257.105(j)(1).	Same	NA	NA

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
417	(k)	(2)	(iii)	(A)		The owner or operator may amend the initial or any subsequent written retrofit plan at any time.		NA	NA
418	(k)	(2)	(iii)	(B)	(1)	<i>The owner or operator must amend the written retrofit plan whenever:</i>	Same	NA	NA
						There is a change in the operation of the CCR unit that would substantially affect the written retrofit plan in effect; or			
419	(k)	(2)	(iii)	(B)	(2)	Before or after retrofit activities have commenced, unanticipated events necessitate a revision of the written retrofit plan.	Same	NA	NA
420	(k)	(2)	(iii)	(C)		The owner or operator must amend the retrofit plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the revision of an existing written retrofit plan. If a written retrofit plan is revised after retrofit activities have commenced for a CCR unit, the owner or operator must amend the current retrofit plan no later than 30 days following the triggering event.	Same	NA	NA
421	(k)	(2)	(iv)			The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the activities outlined in the written retrofit plan, including any amendment of the plan, meet the requirements of this section.	Same	NA	NA
422	(k)	(3)				Deadline for completion of activities related to the retrofit of a CCR unit. Any CCR surface impoundment that is being retrofitted must complete all retrofit activities within the same time frames and procedures specified for the closure of a CCR surface impoundment in § 257.102(f) or, where applicable, § 257.103.	Same	NA	NA
423	(k)	(4)				Upon completion, the owner or operator must obtain a certification from a qualified professional engineer verifying that the retrofit activities have been completed in accordance with the retrofit plan specified in paragraph (k)(2) of this section and the requirements of this section.	Same	NA	NA
424	(k)	(5)				No later than the date the owner or operator initiates the retrofit of a CCR unit, the owner or operator must prepare a notification of intent to retrofit a CCR unit. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(j)(5).	Same	NA	NA

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
425	(k)	(6)				Within 30 days of completing the retrofit activities specified in paragraph (k)(1) of this section, the owner or operator must prepare a notification of completion of retrofit activities. The notification must include the certification by a qualified professional engineer as required by paragraph (k)(4) of this section. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(j)(6).	Same	NA	NA
426	(k)	(7)				At any time after the initiation of a CCR unit retrofit, the owner or operator may cease the retrofit and initiate closure of the CCR unit in accordance with the requirements of § 257.102.	Same	NA	NA
427	(k)	(8)				The owner or operator of the CCR unit must comply with the retrofit recordkeeping requirements specified in § 257.105(j), the retrofit notification requirements specified in § 257.106(j), and the retrofit Internet requirements specified in § 257.107(j).	Same	NA	NA
428	§ 257.103 Alternative Closure Requirements								
429	The owner or operator of the CCR unit must meet either requirement (a) and all its components or (b) and all its components, in addition to requirements (c) through (d).								
430	(a)	(1)				The owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit that is subject to closure pursuant to § 257.101(a), (b)(1), or (d) may continue to receive CCR in the unit provided the owner or operator meets the requirements of either paragraph (a) or (b) of this section. Notwithstanding the provisions of § 257.101(a), (b)(1), or (d), a CCR unit may continue to receive CCR if the owner or operator of the CCR unit certifies that the CCR must continue to be managed in that CCR unit due to the absence of alternative disposal capacity both on-site and off-site of the facility.	Same		
431	(a)	(1)	(i)			<p><i>To qualify under this paragraph (a)(1), the owner or operator of the CCR unit must document that all of the following conditions have been met:</i></p> <p>No alternative disposal capacity is available on-site or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this section;</p>	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
432	(a)	(1)	(ii)			The owner or operator has made, and continues to make, efforts to obtain additional capacity. Qualification under this subsection lasts only as long as no alternative capacity is available. Once alternative capacity is identified, the owner or operator must arrange to use such capacity as soon as feasible;	Same		
433	(a)	(1)	(iii)			The owner or operator must remain in compliance with all other requirements of this subpart, including the requirement to conduct any necessary corrective action; and	Same		
434	(a)	(1)	(iv)			The owner or operator must prepare an annual progress report documenting the continued lack of alternative capacity and the progress towards the development of alternative CCR disposal capacity.	Same		
435	(a)	(2)				Once alternative capacity is available, the CCR unit must cease receiving CCR and initiate closure following the timeframes in § 257.102(e) and (f).	Same		
436	(a)	(3)				If no alternative capacity is identified within five years after the initial certification, the CCR unit must cease receiving CCR and close in accordance with the timeframes in § 257.102(e) and (f).	Same		
437	(b)	(1)				Notwithstanding the provisions of § 257.101(a), (b)(1), and (d), a CCR unit may continue to receive CCR if the owner or operator certifies that the facility will cease operation of the coalfired boilers within the timeframes specified in paragraphs (b)(2) through (4) of this section, but in the interim period (prior to closure of the coal-fired boiler), the facility must continue to use the CCR unit due to the absence of alternative disposal capacity both onsite and off-site of the facility.	Same		
438	(b)	(1)	(i)			<i>To qualify under this paragraph (b)(1), the owner or operator of the CCR unit must document that all of the following conditions have been met:</i>	Same		
						No alternative disposal capacity is available on-site or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this section.			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
439	(b)	(1)	(ii)			The owner or operator must remain in compliance with all other requirements of this subpart, including the requirement to conduct any necessary corrective action; and	Same		
440	(b)	(1)	(iii)			The owner or operator must prepare an annual progress report documenting the continued lack of alternative capacity and the progress towards the closure of the coal-fired boiler.	Same		
441	(b)	(2)				For a CCR surface impoundment that is 40 acres or smaller, the coal-fired boiler must cease operation and the CCR surface impoundment must have completed closure no later than October 17, 2023.	Same	NA	NA
442	(b)	(3)				For a CCR surface impoundment that is larger than 40 acres, the coal-fired boiler must cease operation, and the CCR surface impoundment must complete closure no later than October 17, 2028.	Same	NA	NA
443	(b)	(4)				For a CCR landfill, the coal-fired boiler must cease operation, and the CCR landfill must complete closure no later than April 19, 2021.	Same		
444	(c)	(1)				Required notices and progress reports. An owner or operator of a CCR unit that closes in accordance with paragraphs (a) or (b) of this section must complete the notices and progress reports specified in paragraphs (c)(1) through (3) of this section. Within six months of becoming subject to closure pursuant to § 257.101(a), (b)(1), or (d), the owner or operator must prepare and place in the facility's operating record a notification of intent to comply with the alternative closure requirements of this section. The notification must describe why the CCR unit qualifies for the alternative closure provisions under either paragraph (a) or (b) of this section, in addition to providing the documentation and certifications required by paragraph (a) or (b) of this section.	Same		



						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
445	(c)	(2)				The owner or operator must prepare the periodic progress reports required by paragraphs (a)(1)(iv) or (b)(1)(iii), in addition to describing any problems encountered and a description of the actions taken to resolve the problems.	Same		
446	(c)	(2)	(i)			<i>The annual progress reports must be completed according to the following schedule:</i>	Same		
						The first annual progress report must be prepared no later than 13 months after completing the notification of intent to comply with the alternative closure requirements required by paragraph (c)(1) of this section.			
447	(c)	(2)	(ii)			The second annual progress report must be prepared no later than 12 months after completing the first annual progress report. Additional annual progress reports must be prepared within 12 months of completing the previous annual progress report.	Same		
448	(c)	(2)	(iii)			The owner or operator has completed the progress reports specified in paragraph (c)(2) of this section when the reports are placed in the facility's operating record as required by § 257.105(i)(10).	Same		
449	(c)	(3)				An owner or operator of a CCR unit must also prepare the notification of intent to close a CCR unit as required by § 257.102(g).	Same		
450	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(i), the notification requirements specified in § 257.106(i), and the Internet requirements specified in § 257.107(i).	Same		
							Closure Requirements: Rule 391-3-4-.10(7)  (c) The owner or operator must close the CCR unit in accordance with the written closure plan.		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
							<p>(d) A notice of intent to close must be provided to the Director after receipt of the final load of waste.</p> <p>(e) Upon completion of closure activities, a professional engineer registered in Georgia shall prepare and submit a closure report to the Director. The closure report must be completed on forms provided by the Division. If the Director concurs with the closure report, closure will be deemed complete and the facility may begin the post-closure care period.</p> <p>(f) Concurrent with the submission of this closure report to the Director, the owner or operator must submit confirmation to the Director that a notation on the property deed has been recorded. This recording must in perpetuity notify any potential purchaser of the property that the land has been used as a CCR unit and that its use is restricted under the post closure care requirements of this Rule.</p>		
451	§ 257.104 Post-Closure Care Requirements								
452	The owner of operator of the CCR unit must meet all the requirements (a) through (f) and all their components.								
453	(a)	(1)				Except as provided by paragraph (a)(2) of this section, §257.104 applies to the owners or operators of CCR landfills, CCR surface impoundments, and all lateral expansions of CCR units that are subject to the closure criteria under §257.102.	Same		
454	(a)	(2)				An owner or operator of a CCR unit that elects to close a CCR unit by removing CCR as provided by § 257.102(c) is not subject to the postclosure care criteria under this section.	Same		
455	(b)	(1)				Following closure of the CCR unit, the owner or operator must conduct post-closure care for the CCR unit, which must consist of at least the following:	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
						Maintaining the integrity and effectiveness of the final cover system, including making repairs to the final cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cover;			
456	(b)	(2)				If the CCR unit is subject to the design criteria under § 257.70, maintaining the integrity and effectiveness of the leachate collection and removal system and operating the leachate collection and removal system in accordance with the requirements of § 257.70; and	Same		
457	(b)	(3)				Maintaining the groundwater monitoring system and monitoring the groundwater in accordance with the requirements of §§ 257.90 through 257.98.	Same		
458	(c)	(1)				Except as provided by paragraph (c)(2) of this section, the owner or operator of the CCR unit must conduct post-closure care for 30 years.	Same		
459	(c)	(2)				If at the end of the post-closure care period the owner or operator of the CCR unit is operating under assessment monitoring in accordance with § 257.95, the owner or operator must continue to conduct post-closure care until the owner or operator returns to detection monitoring in accordance with § 257.95.	Same		
460	(d)	(1)	(i)			<i>The owner or operator of a CCR unit must prepare a written post-closure plan that includes, at a minimum, the information specified in paragraphs (d)(1)(i) through (iii) of this section.</i>	Same		
						A description of the monitoring and maintenance activities required in paragraph (b) of this section for the CCR unit, and the frequency at which these activities will be performed;			
461	(d)	(1)	(ii)			The name, address, telephone number, and email address of the person or office to contact about the facility during the post-closure care period; and	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
462	(d)	(1)	(iii)			A description of the planned uses of the property during the post-closure period. Post-closure use of the property shall not disturb the integrity of the final cover, liner(s), or any other component of the containment system, or the function of the monitoring systems unless necessary to comply with the requirements in this subpart. Any other disturbance is allowed if the owner or operator of the CCR unit demonstrates that disturbance of the final cover, liner, or other component of the containment system, including any removal of CCR, will not increase the potential threat to human health or the environment. The demonstration must be certified by a qualified professional engineer, and notification shall be provided to the State Director that the demonstration has been placed in the operating record and on the owners or operator's publicly accessible Internet site.	Same		
463	(d)	(2)	(i)			The owner or operator of an existing CCR landfill and existing CCR surface impoundment must prepare an initial written post-closure plan consistent with the requirements specified in paragraph (d)(1) of this section no later than October 17, 2016.	Same		
464	(d)	(2)	(ii)			The owner or operator of a new CCR landfill, new CCR surface impoundment, and any lateral expansion of a CCR unit must prepare an initial written postclosure plan consistent with the requirements specified in paragraph (d)(1) of this section no later than the date of the initial receipt of CCR in the CCR unit.	Same		
465	(d)	(2)	(iii)			The owner or operator has completed the written post-closure plan when the plan, including the certification required by paragraph (d)(4) of this section, has been placed in the facility's operating record as required by § 257.105(i)(4).	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
466	(d)	(3)	(i)			The owner or operator may amend the initial or any subsequent written post-closure plan developed pursuant to paragraph (d)(1) of this section at any time.	Same		
467	(d)	(3)	(ii)	(A)		<i>The owner or operator must amend the written closure plan whenever:</i>	Same		
						There is a change in the operation of the CCR unit that would substantially affect the written post-closure plan in effect; or			
468	(d)	(3)	(ii)	(B)		After post-closure activities have commenced, unanticipated events necessitate a revision of the written post-closure plan.	Same		
469	(d)	(3)	(iii)			The owner or operator must amend the written post-closure plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the need to revise an existing written post-closure plan. If a written post-closure plan is revised after post-closure activities have commenced for a CCR unit, the owner or operator must amend the written post-closure plan no later than 30 days following the triggering event.	Same		
470	(d)	(4)				The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the initial and any amendment of the written post-closure plan meets the requirements of this section.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
471	(e)					Notification of completion of postclosure care period. No later than 60 days following the completion of the post-closure care period, the owner or operator of the CCR unit must prepare a notification verifying that post-closure care has been completed. The notification must include the certification by a qualified professional engineer verifying that post-closure care has been completed in accordance with the closure plan specified in paragraph (d) of this section and the requirements of this section. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(13).	Same		
472	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(i), the notification requirements specified in § 257.106(i), and the Internet requirements specified in § 257.107(i).	Same		
							<p>Rule 391-3-4-.10(7) (g)  Post-Closure care for existing, new, and lateral expansions of CCR units shall be conducted in accordance with 40 CFR 257.104 with the following exception and additions:</p> <p>1. An owner or operator of an inactive surface impoundment that elects to close a CCR unit pursuant to the requirements under 40 CFR 257.100(b) is subject to the post- closure care criteria in 40 CFR 257.104.</p> <p>2. CCR units must comply with the conditions of the solid waste handling permit.</p> <p>3. The release of CCR units from post-closure care must be approved by the Division.</p>		
473	§ 257.105 Recordkeeping Requirements								
474	The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.								

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
475	(a)					Each owner or operator of a CCR unit subject to the requirements of this subpart must maintain files of all information required by this section in a written operating record at their facility.	Same		
476	(b)					Unless specified otherwise, each file must be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, record, or study.	Same		
477	(c)					An owner or operator of more than one CCR unit subject to the provisions of this subpart may comply with the requirements of this section in one recordkeeping system provided the system identifies each file by the name of each CCR unit. The files may be maintained on microfilm, on a computer, on computer disks, on a storage system accessible by a computer, on magnetic tape disks, or on microfiche.	Same		
478	(d)					The owner or operator of a CCR unit must submit to the State Director and/or appropriate Tribal authority any demonstration or documentation required by this subpart, if requested, when such information is not otherwise available on the owner or operator's publicly accessible Internet site.	Same		
479	(e)					The owner or operator of a CCR unit subject to this subpart must place the demonstrations documenting whether or not the CCR unit is in compliance with the requirements under §§ 257.60(a), 257.61(a), 257.62(a), 257.63(a), and 257.64(a), as it becomes available, in the facility's operating record.	Same		
480	(f)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following the facility's operating record:</i>	Same		
						The design and construction certifications as required by § 257.70(e) and (f).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
481	(f)	(2)				The documentation of liner type as required by § 257.71(a).	Same		
482	(f)	(3)				The design and construction certifications as required by § 257.72(c) and (d).	Same		
483	(f)	(4)				Documentation prepared by the owner or operator stating that the permanent identification marker was installed as required by §§ 257.73(a)(1) and 257.74(a)(1).	Same		
484	(f)	(5)				The initial and periodic hazard potential classification assessments as required by §§ 257.73(a)(2) and 257.74(a)(2).	Same		
485	(f)	(6)				The emergency action plan (EAP), and any amendment of the EAP, as required by §§ 257.73(a)(3) and 257.74(a)(3), except that only the most recent EAP must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.	Same		
486	(f)	(7)				Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders as required by §§ 257.73(a)(3)(i)(E) and 257.74(a)(3)(i)(E).	Same		
487	(f)	(8)				Documentation prepared by the owner or operator recording all activations of the emergency action plan as required by §§ 257.73(a)(3)(v) and 257.74(a)(3)(v).	Same		
488	(f)	(9)				The history of construction, and any revisions of it, as required by § 257.73(c), except that these files must be maintained until the CCR unit completes closure of the unit in accordance with § 257.102.	Same		
489	(f)	(10)				The initial and periodic structural stability assessments as required by §§ 257.73(d) and 257.74(d).	Same		



						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
490	(f)	(11)				Documentation detailing the corrective measures taken to remedy the deficiency or release as required by §§ 257.73(d)(2) and 257.74(d)(2).	Same		
491	(f)	(12)				The initial and periodic safety factor assessments as required by §§ 257.73(e) and 257.74(e).	Same		
492	(f)	(13)				The design and construction plans, and any revisions of it, as required by § 257.74(c), except that these files must be maintained until the CCR unit completes closure of the unit in accordance with § 257.102.	Same		
493	(g)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:</i>	Same		
						The CCR fugitive dust control plan, and any subsequent amendment of the plan, required by § 257.80(b), except that only the most recent control plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			
494	(g)	(2)				The annual CCR fugitive dust control report required by § 257.80(c).	Same		
495	(g)	(3)				The initial and periodic run-on and run-off control system plans as required by § 257.81(c).	Same		
496	(g)	(4)				The initial and periodic inflow design flood control system plan as required by § 257.82(c).	Same		
497	(g)	(5)				Documentation recording the results of each inspection and instrumentation monitoring by a qualified person as required by § 257.83(a).	Same		
498	(g)	(6)				The periodic inspection report as required by § 257.83(b)(2).	Same		
499	(g)	(7)				Documentation detailing the corrective measures taken to remedy the deficiency or release as required by §§ 257.83(b)(5) and 257.84(b)(5).	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
500	(g)	(8)				Documentation recording the results of the weekly inspection by a qualified person as required by § 257.84(a).	Same		
501	(g)	(9)				The periodic inspection report as required by § 257.84(b)(2).	Same		
502	(h)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:</i>	Same		
						The annual groundwater monitoring and corrective action report as required by § 257.90(e).			
503	(h)	(2)				Documentation of the design, installation, development, and decommissioning of any monitoring wells, piezometers and other measurement, sampling, and analytical devices as required by § 257.91(e)(1).	Same		
504	(h)	(3)				The groundwater monitoring system certification as required by § 257.91(f).	Same		
505	(h)	(4)				The selection of a statistical method certification as required by § 257.93(f)(6).	Same		
506	(h)	(5)				Within 30 days of establishing an assessment monitoring program, the notification as required by § 257.94(e)(3).	Same		
507	(h)	(6)				The results of appendices III and IV to this part constituent concentrations as required by § 257.95(d)(1).	Same		
508	(h)	(7)				Within 30 days of returning to a detection monitoring program, the notification as required by § 257.95(e).	Same		
509	(h)	(8)				Within 30 days of detecting one or more constituents in appendix IV to this part at statistically significant levels above the groundwater protection standard, the notifications as required by § 257.95(g).	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
510	(h)	(9)				Within 30 days of initiating the assessment of corrective measures requirements, the notification as required by § 257.95(g)(5).	Same		
511	(h)	(10)				The completed assessment of corrective measures as required by § 257.96(d).	Same		
512	(h)	(11)				Documentation prepared by the owner or operator recording the public meeting for the corrective measures assessment as required by § 257.96(e).	Same		
513	(h)	(12)				The semiannual report describing the progress in selecting and designing the remedy and the selection of remedy report as required by § 257.97(a), except that the selection of remedy report must be maintained until the remedy has been completed.	Same		
514	(h)	(13)				Within 30 days of completing the remedy, the notification as required by § 257.98(e).	Same		
515	(i)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:</i>	Same		
						The notification of intent to initiate closure of the CCR unit as required by § 257.100(c)(1).			
516	(i)	(2)				The annual progress reports of closure implementation as required by § 257.100(c)(2)(i) and (ii).	Same		
517	(i)	(3)				The notification of closure completion as required by § 257.100(c)(3).	Same		
518	(i)	(4)				The written closure plan, and any amendment of the plan, as required by § 257.102(b), except that only the most recent closure plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
519	(i)	(5)				The written demonstration(s), including the certification required by § 257.102(e)(2)(iii), for a time extension for initiating closure as required by § 257.102(e)(2)(ii).	Same		
520	(i)	(6)				The written demonstration(s), including the certification required by § 257.102(f)(2)(iii), for a time extension for completing closure as required by § 257.102(f)(2)(i).	Same		
521	(i)	(7)				The notification of intent to close a CCR unit as required by § 257.102(g).	Same		
522	(i)	(8)				The notification of completion of closure of a CCR unit as required by § 257.102(h).	Same		
523	(i)	(9)				The notification recording a notation on the deed as required by § 257.102(i).	Same		
524	(i)	(10)				The notification of intent to comply with the alternative closure requirements as required by § 257.103(c)(1).	Same		
525	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.103(c)(2).	Same		
526	(i)	(12)				The written post-closure plan, and any amendment of the plan, as required by § 257.104(d), except that only the most recent closure plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.	Same		
527	(i)	(13)				The notification of completion of post-closure care period as required by § 257.104(e).	Same		
528	(j)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:</i>	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
						The written retrofit plan, and any amendment of the plan, as required by § 257.102(k)(2), except that only the most recent retrofit plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			
529	(j)	(2)				The notification of intent that the retrofit activities will proceed in accordance with the alternative procedures in § 257.103.	Same		
530	(j)	(3)				The annual progress reports required under the alternative requirements as required by § 257.103.	Same		
531	(j)	(4)				The written demonstration(s), including the certification in § 257.102(f)(2)(iii), for a time extension for completing retrofit activities as required by § 257.102(k)(3).	Same		
532	(j)	(5)				The notification of intent to initiate retrofit of a CCR unit as required by § 257.102(k)(5).	Same		
533	(j)	(6)				The notification of completion of retrofit activities as required by § 257.102(k)(6).	Same		
							<p><b>Rule 391-3-4-.10(8)</b></p> <p>(a) The requirements of 40 CFR 257.105, 40 CFR 257.106, and 40 CFR 257.107 are incorporated by reference with the following addition:</p> <p>1. Electronic mail sent to a designated EPD recipient is an authorized form of notification when approved by EPD.</p>		
534	<b>§ 257.106 Notification Requirements</b>								
535	<i>The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.</i>								

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
536	(a)					The notifications required under paragraphs (e) through (i) of this section must be sent to the relevant State Director and/or appropriate Tribal authority before the close of business on the day the notification is required to be completed. For purposes of this section, before the close of business means the notification must be postmarked or sent by electronic mail (email). If a notification deadline falls on a weekend or federal holiday, the notification deadline is automatically extended to the next business day.	Same		
537	(b)					If any CCR unit is located in its entirety within Indian Country, the notifications of this section must be sent to the appropriate Tribal authority. If any CCR unit is located in part within Indian Country, the notifications of this section must be sent both to the appropriate State Director and Tribal authority.	Same		
538	(c)					Notifications may be combined as long as the deadline requirement for each notification is met.	Same		
539	(d)					Unless otherwise required in this section, the notifications specified in this section must be sent to the State Director and/or appropriate Tribal authority within 30 days of placing in the operating record the information required by § 257.105.	Same		
540	(e)					Location restrictions. The owner or operator of a CCR unit subject to the requirements of this subpart must notify the State Director and/or appropriate Tribal authority that each demonstration specified under § 257.105(e) has been placed in the operating record and on the owner or operator's publicly accessible internet site.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
541	(f)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator’s publicly accessible internet site.	Same		
542	(f)	(1)				<i>The owner or operator must:</i>	Same		
						Within 60 days of commencing construction of a new CCR unit, provide notification of the availability of the design certification specified under § 257.105(f)(1) or (3). If the owner or operator of the CCR unit elects to install an alternative composite liner, the owner or operator must also submit to the State Director and/or appropriate Tribal authority a copy of the alternative composite liner design.			
543	(f)	(2)				No later than the date of initial receipt of CCR by a new CCR unit, provide notification of the availability of the construction certification specified under § 257.105(f)(1) or (3).	Same		
544	(f)	(3)				Provide notification of the availability of the documentation of liner type specified under § 257.105(f)(2).	Same		
545	(f)	(4)				Provide notification of the availability of the initial and periodic hazard potential classification assessments specified under § 257.105(f)(5).	Same		
546	(f)	(5)				Provide notification of the availability of emergency action plan (EAP), and any revisions of the EAP, specified under § 257.105(f)(6).	Same		
547	(f)	(6)				Provide notification of the availability of documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders specified under § 257.105(f)(7).	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
548	(f)	(7)				Provide notification of documentation prepared by the owner or operator recording all activations of the emergency action plan specified under § 257.105(f)(8).	Same		
549	(f)	(8)				Provide notification of the availability of the history of construction, and any revision of it, specified under § 257.105(f)(9).	Same		
550	(f)	(9)				Provide notification of the availability of the initial and periodic structural stability assessments specified under § 257.105(f)(10).	Same		
551	(f)	(10)				Provide notification of the availability of the documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(f)(11).	Same		
552	(f)	(11)				Provide notification of the availability of the initial and periodic safety factor assessments specified under § 257.105(f)(12).	Same		
553	(f)	(12)				Provide notification of the availability of the design and construction plans, and any revision of them, specified under § 257.105(f)(13).	Same		
554	(g)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible internet site.	Same		
555	(g)	(1)				<i>The owner or operator must:</i>	Same		
						Provide notification of the availability of the CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under § 257.105(g)(1).			
556	(g)	(2)				Provide notification of the availability of the annual CCR fugitive dust control report specified under § 257.105(g)(2).	Same		
557	(g)	(3)				Provide notification of the availability of the initial and periodic run-on and run-off control system plans specified under § 257.105(g)(3).	Same		



						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
558	(g)	(4)				Provide notification of the availability of the initial and periodic inflow design flood control system plans specified under § 257.105(g)(4).	Same		
559	(g)	(5)				Provide notification of the availability of the periodic inspection reports specified under § 257.105(g)(6).	Same		
560	(g)	(6)				Provide notification of the availability of the documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(g)(7).	Same		
561	(g)	(7)				Provide notification of the availability of the periodic inspection reports specified under § 257.105(g)(9).	Same		
562	(h)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible internet site.	Same		
563	(h)	(1)				<i>The owner or operator must:</i>	Same		
						Provide notification of the availability of the annual groundwater specified under § 257.105(h)(1).			
564	(h)	(2)				Provide notification of the availability of the groundwater monitoring system certification specified under § 257.105(h)(3).	Same		
565	(h)	(3)				Provide notification of the availability of the selection of a statistical method certification specified under § 257.105(h)(4).	Same		
566	(h)	(4)				Provide notification that an assessment monitoring programs has been established specified under § 257.105(h)(5).	Same		
567	(h)	(5)				Provide notification that the CCR unit is returning to a detection monitoring program specified under § 257.105(h)(7).	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
568	(h)	(6)				Provide notification that one or more constituents in appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under § 257.105(h)(8).	Same		
569	(h)	(7)				Provide notification that an assessment of corrective measures has been initiated specified under § 257.105(h)(9).	Same		
570	(h)	(8)				Provide notification of the availability of assessment of corrective measures specified under § 257.105(h)(10).	Same		
571	(h)	(9)				Provide notification of the availability of the semiannual report describing the progress in selecting and designing the remedy and the selection of remedy report specified under § 257.105(h)(12).	Same		
572	(h)	(10)				Provide notification of the completion of the remedy specified under § 257.105(h)(13).	Same		
573	(i)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible Internet site.	Same		
574	(i)	(1)				<i>The owner or operator must:</i>	Same		
						Provide notification of the intent to initiate closure of the CCR unit specified under § 257.105(i)(1).			
575	(i)	(2)				Provide notification of the availability of the annual progress reports of closure implementation specified under § 257.105(i)(2).	Same		
576	(i)	(3)				Provide notification of closure completion specified under § 257.105(i)(3).	Same		
577	(i)	(4)				Provide notification of the availability of the written closure plan, and any amendment of the plan, specified under § 257.105(i)(4).	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
578	(i)	(5)				Provide notification of the availability of the demonstration(s) for a time extension for initiating closure specified under § 257.105(i)(5).	Same		
579	(i)	(6)				Provide notification of the availability of the demonstration(s) for a time extension for completing closure specified under § 257.105(i)(6).	Same		
580	(i)	(7)				Provide notification of intent to close a CCR unit specified under § 257.105(i)(7).	Same		
581	(i)	(8)				Provide notification of completion of closure of a CCR unit specified under § 257.105(i)(8).	Same		
582	(i)	(9)				Provide notification of the deed notation as required by § 257.105(i)(9).	Same		
583	(i)	(10)				Provide notification of intent to comply with the alternative closure requirements specified under § 257.105(i)(10).	Same		
584	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.105(i)(11).	Same		
585	(i)	(12)				Provide notification of the availability of the written post-closure plan, and any amendment of the plan, specified under § 257.105(i)(12).	Same		
586	(i)	(13)				Provide notification of completion of post-closure care specified under § 257.105(i)(13).	Same		
587	(j)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible Internet site.	Same		
588	(j)	(1)				<i>The owner or operator must:</i>	Same		
						Provide notification of the availability of the written retrofit plan, and any amendment of the plan, specified under § 257.105(j)(1).			

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
589	(j)	(2)				Provide notification of intent to comply with the alternative retrofit requirements specified under § 257.105(j)(2).	Same		
590	(j)	(3)				The annual progress reports under the alternative retrofit requirements as required by § 257.105(j)(3).	Same		
591	(j)	(4)				Provide notification of the availability of the demonstration(s) for a time extension for completing retrofit activities specified under § 257.105(j)(4).	Same		
592	(j)	(5)				Provide notification of intent to initiate retrofit of a CCR unit specified under § 257.105(j)(5).	Same		
593	(j)	(6)				Provide notification of completion of retrofit activities specified under § 257.105(j)(6).	Same		
594	§ 257.107 Publicly Accessible Internet Site Requirements								
595	The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.								
596	(a)					Each owner or operator of a CCR unit subject to the requirements of this subpart must maintain a publicly accessible Internet site (CCR Web site) containing the information specified in this section. The owner or operator's Web site must be titled "CCR Rule Compliance Data and Information."	Same		
597	(b)					An owner or operator of more than one CCR unit subject to the provisions of this subpart may comply with the requirements of this section by using the same Internet site for multiple CCR units provided the CCR Web site clearly delineates information by the name or identification number of each unit.	Same		
598	(c)					Unless otherwise required in this section, the information required to be posted to the CCR Web site must be made available to the public for at least five years following the date on which the information was first posted to the CCR Web site.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
599	(d)					Unless otherwise required in this section, the information must be posted to the CCR Web site within 30 days of placing the pertinent information required by § 257.105 in the operating record.	Same		
600	(e)					Location restrictions. The owner or operator of a CCR unit subject to this subpart must place each demonstration specified under § 257.105(e) on the owner or operator's CCR Web site.	Same		
601	(f)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Same		
						Within 60 days of commencing construction of a new unit, the design certification specified under § 257.105(f)(1) or (3).			
602	(f)	(2)				No later than the date of initial receipt of CCR by a new CCR unit, the construction certification specified under § 257.105(f)(1) or (3).	Same		
603	(f)	(3)				The documentation of liner type specified under § 257.105(f)(2).	Same		
604	(f)	(4)				The initial and periodic hazard potential classification assessments specified under § 257.105(f)(5).	Same		
605	(f)	(5)				The emergency action plan (EAP) specified under § 257.105(f)(6), except that only the most recent EAP must be maintained on the CCR Web site irrespective of the time requirement specified in paragraph (c) of this section.	Same		
606	(f)	(6)				Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders specified under § 257.105(f)(7).	Same		
607	(f)	(7)				Documentation prepared by the owner or operator recording any activation of the emergency action plan specified under § 257.105(f)(8).	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
608	(f)	(8)				The history of construction, and any revisions of it, specified under § 257.105(f)(9).	Same		
609	(f)	(9)				The initial and periodic structural stability assessments specified under § 257.105(f)(10).	Same		
610	(f)	(10)				The documentation detailing the corrective measures taken to remedy the § 257.105(f)(11).	Same		
611	(f)	(11)				The initial and periodic safety factor assessments specified under § 257.105(f)(12).	Same		
612	(f)	(12)				The design and construction plans, and any revisions of them, specified under § 257.105(f)(13).	Same		
613	(g)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Same		
						The CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under § 257.105(g)(1) except that only the most recent plan must be maintained on the CCR Web site irrespective of the time requirement specified in paragraph (c) of this section.			
614	(g)	(2)				The annual CCR fugitive dust control report specified under § 257.105(g)(2).	Same		
615	(g)	(3)				The initial and periodic run-on and run-off control system plans specified under § 257.105(g)(3).	Same		
616	(g)	(4)				The initial and periodic inflow design flood control system plans specified under § 257.105(g)(4).	Same		
617	(g)	(5)				The periodic inspection reports specified under § 257.105(g)(6).	Same		
618	(g)	(6)				The documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(g)(7).	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
619	(g)	(7)				The periodic inspection reports specified under § 257.105(g)(9).	Same		
620	(h)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Same		
						The annual groundwater monitoring and corrective action report specified under § 257.105(h)(1).			
621	(h)	(2)				The groundwater monitoring system certification specified under § 257.105(h)(3).	Same		
622	(h)	(3)				The selection of a statistical method certification specified under § 257.105(h)(4).	Same		
623	(h)	(4)				The notification that an assessment monitoring programs has been established specified under § 257.105(h)(5).	Same		
624	(h)	(5)				The notification that the CCR unit is returning to a detection monitoring program specified under § 257.105(h)(7).	Same		
625	(h)	(6)				The notification that one or more constituents in appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under § 257.105(h)(8).	Same		
626	(h)	(7)				The notification that an assessment of corrective measures has been initiated specified under § 257.105(h)(9).	Same		
627	(h)	(8)				The assessment of corrective measures specified under § 257.105(h)(10).	Same		
628	(h)	(9)				The semiannual reports describing the progress in selecting and designing remedy and the selection of remedy report specified under § 257.105(h)(12), except that the selection of the remedy report must be maintained until the remedy has been completed.	Same		

						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
629	(h)	(10)				The notification that the remedy has been completed specified under § 257.105(h)(13).	Same		
630	(i)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Same		
						The notification of intent to initiate closure of the CCR unit specified under § 257.105(i)(1).			
631	(i)	(2)				The annual progress reports of closure implementation specified under § 257.105(i)(2).	Same		
632	(i)	(3)				The notification of closure completion specified under § 257.105(i)(3).	Same		
633	(i)	(4)				The written closure plan, and any amendment of the plan, specified under § 257.105(i)(4).	Same		
634	(i)	(5)				The demonstration(s) for a time extension for initiating closure specified under § 257.105(i)(5).	Same		
635	(i)	(6)				The demonstration(s) for a time extension for completing closure specified under § 257.105(i)(6).	Same		
636	(i)	(7)				The notification of intent to close a CCR unit specified under § 257.105(i)(7).	Same		
637	(i)	(8)				The notification of completion of closure of a CCR unit specified under § 257.105(i)(8).	Same		
638	(i)	(9)				The notification recording a notation on the deed as required by § 257.105(i)(9).	Same		
639	(i)	(10)				The notification of intent to comply with the alternative closure requirements as required by § 257.105(i)(10).	Same		
640	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.105(i)(11).	Same		



						Existing and New CCR Landfills and All Lateral Expansions of CCR Landfills			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
641	(i)	(12)				The written post-closure plan, and any amendment of the plan, specified under § 257.105(i)(12).	Same		
642	(i)	(13)				The notification of completion of post-closure care specified under § 257.105(i)(13).	Same		
643	(j)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Same		
						The written retrofit plan, and any amendment of the plan, specified under § 257.105(j)(1).			
644	(j)	(2)				The notification of intent to comply with the alternative retrofit requirements as required by § 257.105(j)(2).	Same		
645	(j)	(3)				The annual progress reports under the alternative retrofit requirements as required by § 257.105(j)(3).	Same		
646	(j)	(4)				The demonstration(s) for a time extension for completing retrofit activities specified under § 257.105(j)(4).	Same		
647	(j)	(5)				The notification of intent to retrofit a CCR unit specified under § 257.105(j)(5).	Same		
648	(j)	(6)				The notification of completion of retrofit activities specified under § 257.105(j)(6).	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
1	§ 257.53 Definitions								
2	The owner of operator of the CCR unit must include all definitions								
3	all					Specify each definition that differs from those listed in section 257.53.	Definitions in 40 CFR 257.53 are incorporated by reference into this section and are applicable to CCR units with the following additions and revision:  Rule 391-3-4-.10(2)  (a) Definitions in 40 CFR 257.53 are incorporated by reference into this section and are applicable to CCR units with the following additions and revision: 1. "Dewatered Surface Impoundment" means a CCR surface impoundment that no longer receives CCR on or after October 19, 2015 and does not contain liquids on or after October 19, 2015.  2. "NPDES -CCR Surface Impoundment" means a CCR surface impoundment that no longer receives CCR on or after October 19, 2015 which still contains both CCR and liquids and is located at an electric utility or independent power producer that has ceased producing electricity prior to October 19, 2015.  3. "Inactive CCR Landfill" means a CCR landfill that no longer receives CCR and other wastes on or after October 19, 2015.  4. The following text shall be substituted for the fourth condition in the definition of Beneficial use of CCR "(4) For unencapsulated use of CCR, the user must demonstrate to the Division and provide documentation to the Division that environmental releases to groundwater, surface water, soil, and air are comparable to or lower than those from analogous products made without CCR, or that environmental releases to groundwater, surface water, soil, and air will be at or below relevant		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
							regulatory and health-based benchmarks for human and ecological receptors during use."		
1	§ 257.60 Placement Above the Uppermost Aquifer								
2	The owner of operator of the CCR unit must meet all the requirements (a) through (d).								
3	(a)					The base of CCR unit should be at least 1.52 meters (5 ft.) above the upper limit of the uppermost aquifer, or, the owner must demonstrate that there will not be an intermittent, recurring, or sustained hydraulic connection with uppermost aquifer during normal and seasonal water table fluctuations. The owner or operator must demonstrate by the dates specified in paragraph (c) of this section that the CCR unit meets the minimum requirements for placement above the uppermost aquifer.	Same		
4	(b)					Obtain a certificate from professional engineer, stating that the requirements meet comply with the recordkeeping requirements specified in § 257.105(e).	Same		
5	(c)	(1)				For an existing surface impoundment, the owner or operator of the CCR unit must complete the demonstration required by paragraph (a) no later than October 17, 2018 for an existing CCR surface impoundment.	Same		
6	(c)	(2)				For a new CCR landfill, new CCR impoundment, or any lateral expansion of a CCR unit, the owner or operator of the CCR unit must complete the demonstration required by paragraph (a) no later than the date of initial receipt of CCR in the CCR unit for a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit.	Same		
7	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
8	(c)	(4)				An owner or operator of an existing CCR surface impoundment who fails to demonstrate compliance with the requirements of paragraph (a) of this section by the date specified is subject to the requirements of § 257.101(b)(1).	Same		NA
9	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Same	NA	
10	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Same		
							<p>Location Restrictions in 40 CFR (§§ 257.60 - 257.64) have been adopted by reference with the following additions for New and lateral Expansions of CCR landfills:</p> <p>Rule 391-3-4-.10(3)</p> <p>(c) For new and lateral expansions of CCR units, the hydrogeological evaluation for a specific site must be performed by a qualified groundwater scientist.</p> <p>(d) For new and lateral expansions of CCR units, when the geological and hydrogeological data so indicate, the Division may specify greater separation distances to protect groundwater.</p> <p>(e) Buffers: New CCR units and lateral expansions of CCR units must provide a 200- foot undisturbed buffer between the waste disposal boundary and the boundary of the permitted facility and a minimum 500-foot buffer between the waste disposal boundary and any occupied dwelling and the dwelling's operational private, domestic water supply well in existence on the date of the permit application. The 500-foot buffer may be reduced if</p>		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
							the current owner of the dwelling provides a written waiver consenting to the waste disposal boundary being closer than 500 feet. No disposal or storage practices for waste shall take place in the buffer zones.		
11	§ 257.61 Wetlands								
12	The owner of operator of the CCR unit must first meet requirements (a) or requirements (a)(1) through (5), in addition to meeting requirements (b) through (d) and all their components.								
13	(a)					CCR units must not be located in wetlands, as defined in § 232.2 of this chapter, unless the owner or operator demonstrates by the dates specified in paragraph (c) of this section that the CCR unit meets the requirements of paragraphs (a)(1) through (5) of this section.	Same	NA	
14	(a)	(1)				The owner or operator of CCR unit must:	Same	NA	
						Provide a rebuttal of the presumption that an alternative to the CCR unit is reasonably available that does not involve wetlands where applicable under § 404 of the Clean Water Act or applicable state wetlands laws.			
15	(a)	(2)				The construction and operation of the CCR unit will not cause or contribute to violations of the following applicable regulations:	Same		Applicable
16	(a)	(2)	(i)			State or federal water quality standard;	Same	NA	
17	(a)	(2)	(ii)			Toxic effluent standard or prohibition under section 307 of the Clean Water Act;	Same	NA	
18	(a)	(2)	(iii)			Endangered or threatened species, or a critical habitat protected under the Endangered Species Act of 1973;	Same	NA	
19	(a)	(2)	(iv)			Marine Protection, Research, and Sanctuaries Act of 1972	Same	NA	
20	(a)	(3)				The CCR unit will not cause or contribute to significant degradation of wetlands by addressing all of the following factors:	Same	NA	
21	(a)	(3)	(i)			Erosion, stability and migration potential of native wetland soils used to support the CCR unit;	Same	NA	

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
22	(a)	(3)	(ii)			Erosion, stability and migration potential of dredged and fill materials used to support the CCR unit;	Same	NA	
23	(a)	(3)	(iii)			The volume and chemical nature of the CCR;	Same	NA	
24	(a)	(3)	(iv)			Impacts on fish, wildlife, other aquatic resources and their habitat from release of CCR;	Same	NA	
25	(a)	(3)	(v)			The potential effects of catastrophic release of CCR to the wetland and the resulting impacts on the environment; and	Same	NA	
26	(a)	(3)	(vi)			Any additional factors, as necessary, to demonstrate sufficient protection of ecological resources in the wetland.	Same	NA	
27	(a)	(4)				<i>The owner or operator of CCR unit must also:</i>	Same	NA	
						Demonstrate that steps have been taken to attempt to achieve no net loss of wetlands (as defined by acreage and function) by first avoiding impacts to wetlands to the maximum extent reasonable as required by paragraphs (a)(1) through (3), then minimizing unavoidable impacts to the maximum extent reasonable, and offsetting remaining unavoidable wetland impacts through all appropriate and reasonable compensatory mitigation actions (e.g., restoration of existing degraded wetlands or creation of man-made wetlands) to the extent required under section 404 of the Clean Water Act or applicable state wetlands laws.			
28	(a)	(5)				Sufficient information is available to make a reasoned determination with respect to the demonstrations in paragraphs (a)(1) through (4).	Same	NA	
29	(b)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements of paragraph (a).	Same	NA	
30	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
31	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.	Same		
32	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).	Same	NA	
33	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit. <i>Correction: An owner or operator of an existing CCR surface impoundment who fails to demonstrate compliance with the requirements of paragraph (a) of this section by the date specified in paragraph (c)(1) of this section is subject to the requirements of §257.101(b)(1).</i>	Same		NA
34	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Same	NA	
35	(d)					The owner or operator comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Same		
36	§ 257.62 Fault Areas								
37	<i>The owner of operator of the CCR unit must meet all the requirements (a) through (d).</i>								
38	(a)					CCR unit should be located within 60 meters (200 feet) of the outermost damage zone of a fault that has had displacement in Holocene time, unless the owner or operator demonstrates that an alternative setback distance of less than 60 meters will prevent damage to the structural integrity of the CCR unit.	Same	NA	

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
39	(b)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets these requirements of paragraph (a).	Same	NA	
40	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.	Same		
41	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.	Same		
42	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).	Same	NA	
43	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit. <b>Correction: An owner or operator of an existing CCR surface impoundment who fails to demonstrate compliance with the requirements of paragraph (a) of this section by the date specified in paragraph (c)(1) of this section is subject to the requirements of §257.101(b)(1).</b>	Same		NA
44	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Same	NA	
45	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Same		



						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
46	§ 257.63 Seismic Impact Zones								
47	The owner of operator of the CCR unit must meet all the requirements (a) through (d).								
48	(a)					CCR units and any expansions must not be located in seismic impact zones, unless the owner or operator demonstrates that all structural components including liners, leachate collection and removal systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.	Same	NA	
49	(b)					The owner or operator of the CCR unit must: obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements of paragraph (a)	Same	NA	
50	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.	Same		
51	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.	Same		
52	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).	Same	NA	
53	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit. <u>Correction:</u> An owner or operator of an existing CCR surface impoundment who fails to demonstrate compliance with the requirements of paragraph (a) of this section by the date specified in paragraph (c)(1) of this section is subject to the requirements of §257.101(b)(1).	Same		NA

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
54	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Same	NA	
55	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Same		
56	§ 257.64 Unstable Areas								
57	The owner or operator of the CCR unit must meet all the requirements (a) through (e) and all their components.								
58	(a)					A CCR unit must not be located in an unstable area, unless the owner or operator demonstrates that recognized and generally accepted good engineering practices have been incorporated into the design of the CCR unit to ensure that the integrity of the structural components of the CCR unit will not be disrupted.	Same		
59	(b)	(1)				When determining whether an area is unstable or not, the owner or operator must consider, at a minimum, all of the following:	Same		
						On-site or local soil conditions that may result in significant differential settling;			
60	(b)	(2)				On-site or local geologic or geomorphologic features; and	Same		
61	(b)	(3)				On-site or local human-made features or events (both surface and subsurface).	Same		
62	(c)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements in paragraph (a).	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
63	(d)	(1)				The owner or operator of the CCR unit must complete the demonstration required in paragraph (a) no later than October 17, 2018 for existing CCR surface impoundments and existing CCR landfills.	Same		
64	(d)	(2)				The owner or operator of the CCR unit must complete the demonstration required in paragraph (a) no later than the date of initial receipt of CCR in the CCR unit for a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit.	Same		
65	(d)	(3)				The owner or operator has completed the demonstration required by paragraph (a) when the demonstration is placed in the facility's operating record as required by § 257.105(e).	Same		
66	(d)	(4)				An owner or operator of an existing CCR unit who fails to demonstrate compliance with the requirements of paragraph (a) of this section by the date specified is subject to the requirements of § 257.101(b)(1) or (d), respectively.	Same		NA
67	(d)	(5)				An owner or operator of a new CCR unit, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Same	NA	
68	(e)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Same		
69	§ 257.71 Liner Design Criteria for Existing CCR Surface Impoundments								
70	The owner of operator of the CCR unit must meet all the requirements (a) through (c) and all their components.								

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
71	(a)	(1)	(i)			By October 17, 2016, the owner or operator of an existing CCR surface impoundment must document whether or not such unit was constructed with any one of the following:	Same		
						A liner consisting of a minimum of two feet of compacted soil with a hydraulic conductivity of no more than $1 \times 10^{-7}$ cm/sec;			
72	(a)	(1)	(ii)			A composite liner that meets the requirements of § 257.70(b);	Same		
73	(a)	(1)	(iii)			An alternative composite liner that meets the requirements of § 257.70(c).	Same		
74	(a)	(2)				The hydraulic conductivity of the compacted soil must be determined using recognized and generally accepted methods.	Same		
75	(a)	(3)	(i)			An existing CCR surface impoundment is considered to be an existing unlined CCR surface impoundment if either 3(i) or 3(ii):	Same		
						The owner or operator of the CCR unit determines that the CCR unit is not constructed with a liner that meets the requirements of paragraphs (a)(1)(i), (ii), or (iii) of this section; or			
76	(a)	(3)	(ii)			The owner or operator of the CCR unit fails to document whether the CCR unit was constructed with a liner that meets the requirements of paragraphs (a)(1)(i), (ii), or (iii) of this section.	Same		
77	(a)	(4)				All existing unlined CCR surface impoundments are subject to the requirements of § 257.101(a).	Same		
78	(b)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer attesting that the documentation as to whether a CCR unit meets the requirements of paragraph (a) of this section is accurate.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
79	(c)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the internet requirements specified in § 257.107(f).	Same		
80	§ 257.72 Liner Design Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment								
81	The owner or operator of the CCR unit must meet all the requirements (a) through (e).								
82	(a)					CCR impoundments and lateral expansions must be designed, constructed, operated, and maintained with either a composite liner or an alternative composite liner that meets the requirements of § 257.70(b) or (c).	Same		
83	(b)					Any liner specified in this section must be installed to cover all surrounding earth likely to be in contact with CCR. Dikes shall not be constructed on top of the composite liner.	Same		
84	(c)					Prior to construction of the impoundment or expansion, the owner or operator must obtain certification from a qualified professional engineer that the design of the composite liner or, if applicable, the design of an alternative composite liner complies with the requirements of this section.	Same		
85	(d)					Upon completion, the owner or operator must: obtain certification from a qualified professional engineer that the composite liner or if applicable, the alternative composite liner has been constructed in accordance with the requirements of this section; <b>comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the internet requirements specified in § 257.107(f). (Not in 40 CFR 257.72(d))</b>	Same		
86	(e)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the Internet requirements specified in § 257.107(f).	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
87	§ 257.73 Structural Integrity Criteria for Existing CCR Surface Impoundments								
88	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (g) and all their components. *These requirements do not apply to existing CCR surface impoundments that are incised CCR units, unless incised CCR surface impoundment is subsequently modified (e.g., a dike is constructed) such that the CCR unit no longer meets the definition of an incised CCR unit.</i>								
89	(a)	(1)				By December 17, 2015, the owner or operator of the CCR unit must place on or immediately adjacent to the CCR unit a permanent identification marker, at least six feet high, showing the identification number of the CCR unit, if one has been assigned by the state, the name associated with the CCR unit and the name of the owner or operator of the CCR unit.	Same		
90	(a)	(2)	(i)			The owner or operator of the CCR unit must conduct initial and periodic hazard potential classification assessments of the CCR unit according to the timeframes specified in paragraph (f) of this section. The owner or operator must document the hazard potential classification of each CCR unit as either a high hazard potential CCR surface impoundment, a significant hazard potential CCR surface impoundment, or a low hazard potential CCR surface impoundment. The owner or operator must also document the basis for each hazard potential classification.	Same		
91	(a)	(2)	(ii)			The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial hazard potential classification and each subsequent periodic classification specified in paragraph (a)(2)(i) of this section was conducted in accordance with the requirements of this section.	Same		
92	(a)	(3)	(i)			No later than April 17, 2017, the owner or operator of a CCR unit determined to be either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment under paragraph (a)(2) of this section must prepare and maintain a written EAP.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
93	(a)	(3)	(i)	(A)		<i>At a minimum, the EAP must:</i>	Same		
						Define the events or circumstances involving the CCR unit that represent a safety emergency, along with a description of the procedures that will be followed to detect a safety emergency in a timely manner;			
94	(a)	(3)	(i)	(B)		Define responsible persons, their respective responsibilities, and notification procedures in the event of a safety emergency involving the CCR unit;	Same		
95	(a)	(3)	(i)	(C)		Provide contact information of emergency responders;	Same		
96	(a)	(3)	(i)	(D)		Include a map which delineates the downstream area which would be affected in the event of a CCR unit failure and a physical description of the CCR unit; and	Same		
97	(a)	(3)	(i)	(E)		Include provisions for an annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders.	Same		
98	(a)	(3)	(ii)	(A)		The owner or operator of a CCR unit subject to the requirements of paragraph (a)(3)(i) of this section may amend the written EAP at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(f)(6). The owner or operator must amend the written EAP whenever there is a change in conditions that would substantially affect the EAP in effect.	Same		
99	(a)	(3)	(ii)	(B)		The written EAP must be evaluated, at a minimum, every five years to ensure the information required in paragraph (a)(3)(i) of this section is accurate. As necessary, the EAP must be updated and a revised EAP placed in the facility's operating record as required by § 257.105(f)(6).	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
100	(a)	(3)	(iii)	(A)		If the owner or operator of a CCR unit determines during a periodic hazard potential assessment that the CCR unit is no longer classified as either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment, then the owner or operator of the CCR unit is no longer subject to the requirement to prepare and maintain a written EAP beginning on the date the periodic hazard potential assessment documentation is placed in the facility's operating record as required by § 257.105(f)(5).	Same		
101	(a)	(3)	(iii)	(B)		If the owner or operator of a CCR unit classified as a low hazard potential CCR surface impoundment subsequently determines that the CCR unit is properly re-classified as either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment, then the owner or operator of the CCR unit must prepare a written EAP for the CCR unit as required by paragraph (a)(3)(i) of this section within six months of completing such periodic hazard potential assessment.	Same		
102	(a)	(3)	(iv)			(iv) The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the written EAP, and any subsequent amendment of the EAP, meets the requirements of paragraph (a)(3) of this section. (v) Activation of the EAP. The EAP must be implemented once events or circumstances involving the CCR unit that represent a safety emergency are detected, including conditions identified during periodic structural stability assessments, annual inspections, and inspections by a qualified person.	Same		



						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
103	(a)	(4)				The CCR unit and surrounding areas must be designed, constructed, operated, and maintained with vegetated slopes of dikes not to exceed a height of 6 inches above the slope of the dike, except for slopes which are protected with an alternate form(s) of slope protection.	Same		
104	(b)					The requirements of paragraphs (c) through (e) of this section apply to an owner or operator of an existing CCR surface impoundment that either: has a height of five feet or more and a storage volume of 20 acre-feet or more; or has a height of 20 feet or more.	Same		
105	(c)	(1)				No later than October 17, 2016, the owner or operator of the CCR unit must compile a history of construction, which shall contain, to the extent feasible, the information specified in paragraphs (c)(1)(i) through (xi) of this section.	Same		
106	(c)	(1)	(i)			The name and address of the person(s) owning or operating the CCR unit; the name associated with the CCR unit; and the identification number of the CCR unit if one has been assigned by the state.	Same		
107	(c)	(1)	(ii)			The location of the CCR unit identified on the most recent U.S. Geological Survey (USGS) 7 1/2 minute or 15 minute topographic quadrangle map, or a topographic map of equivalent scale if a USGS map is not available.	Same		
108	(c)	(1)	(iii)			A statement of the purpose for which the CCR unit is being used.	Same		
109	(c)	(1)	(iv)			The name and size in acres of the watershed within which the CCR unit is located.	Same		
110	(c)	(1)	(v)			A description of the physical and engineering properties of the foundation and abutment materials on which the CCR unit is constructed.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
111	(c)	(1)	(vi)			A statement of the type, size, range, and physical and engineering properties of the materials used in constructing each zone or stage of the CCR unit; the method of site preparation and construction of each zone of the CCR unit; and the approximate dates of construction of each successive stage of construction of the CCR unit.	Same		
112	(c)	(1)	(vii)			At a scale that details engineering structures and appurtenances relevant to the design, construction, operation, and maintenance of the CCR unit, detailed dimensional drawings of the CCR unit, including a plan view and cross sections of the length and width of the CCR unit, showing all zones, foundation improvements, drainage provisions, spillways, diversion ditches, outlets, instrument locations, and slope protection, in addition to the normal operating pool surface elevation and the maximum pool surface elevation following peak discharge from the inflow design flood, the expected maximum depth of CCR within the CCR surface impoundment, and any identifiable natural or manmade features that could adversely affect operation of the CCR unit due to malfunction or mis-operation.	Same		
113	(c)	(1)	(viii)			A description of the type, purpose, and location of existing instrumentation. (ix) <b>Area-capacity curves for the CCR unit.</b> (Should be included as 40 CFR 257.73(c) (1)(ix))	Same		
114	(c)	(1)	(ix)			<b>A description of each spillway and diversion design features and capacities and calculations used in their determination.</b> (Should be included as 40 CFR 257.73(c) (1) (x))	Same		
115	(c)	(1)	(x)			<b>The construction specifications and provisions for surveillance, maintenance, and repair of the CCR unit.</b> (Should be included as 40 CFR 257.73(c) (1) (xi))	Same		
116	(c)	(1)	(xi)			<b>Any record or knowledge of structural instability of the CCR unit.</b> (Should be included as 40 CFR 257.73(c) (1) (xii))	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
117	(c)	(2)				If there is a significant change to any information compiled under paragraph (c)(1) of this section, the owner or operator of the CCR unit must update the relevant information and place it in the facility’s operating record as required by § 257.105(f)(9).	Same		
118	(d)	(1)				The owner or operator of the CCR unit must conduct initial and periodic structural stability assessments and document whether the design, construction, operation, and maintenance of the CCR unit is consistent with recognized and generally accepted good engineering practices for the maximum volume of CCR and CCR wastewater which can be impounded therein.	Same		
119	(d)	(1)	(i)			<i>The assessment must, at a minimum, document whether the CCR unit has been designed, constructed, operated, and maintained with:</i>	Same		
						Stable foundations and abutments;			
120	(d)	(1)	(iii)			Adequate slope protection to protect against surface erosion, wave action, and adverse effects of sudden drawdown;	Same		
121	(d)	(1)	(iii)			Dikes mechanically compacted to a density sufficient to withstand the range of loading conditions in the CCR unit;	Same		
122	(d)	(1)	(iv)			Vegetated slopes of dikes and surrounding areas not to exceed a height of six inches above the slope of the dike, except for slopes which have an alternate form or forms of slope protection;	Same		
123	(d)	(1)	(v)			A single spillway or a combination of spillways configured as specified in paragraph (d)(1)(v)(A) of this section. The combined capacity of all spillways must be designed, constructed, operated, and maintained to adequately manage flow during and following the peak discharge from the event specified in paragraph (d)(1)(v)(B) of this section.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
124	(d)	(1)	(v)	(A)		All spillways must be either of non-erodible construction and designed to carry sustained flows; or earth- or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.	Same		
125	(d)	(1)	(v)	(B)		The combined capacity of all spillways must adequately manage flow during and following the peak discharge from a: probable maximum flood (PMF) for a high hazard potential CCR surface impoundment; or 1000-year flood for a significant hazard potential CCR surface impoundment; or 100-year flood for a low hazard potential CCR surface impoundment.	Same		
126	(d)	(1)	(vi)			Hydraulic structures underlying the base of the CCR unit or passing through the dike of the CCR unit that maintain structural integrity and are free of significant deterioration, deformation, distortion, bedding deficiencies, sedimentation, and debris which may negatively affect the operation of the hydraulic structure; and	Same		
127	(d)	(1)	(vii)			For CCR units with downstream slopes which can be inundated by the pool of an adjacent water body, such as a river, stream or lake, downstream slopes that maintain structural stability during low pool of the adjacent water body or sudden drawdown of the adjacent water body.	Same		
128	(d)	(2)				The periodic assessment described in paragraph (d)(1) of this section must identify any structural stability deficiencies associated with the CCR unit in addition to recommending corrective measures. If a deficiency or a release is identified during the periodic assessment, the owner or operator unit must remedy the deficiency or release as soon as feasible and prepare documentation detailing the corrective measures taken.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
129	(d)	(3)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial assessment and each subsequent periodic assessment was conducted in accordance with the requirements of this section.	Same		
130	(e)	(1)				The owner or operator must conduct an initial and periodic safety factor assessments for each CCR unit and document whether the calculated factors of safety for each CCR unit achieve the minimum safety factors specified in paragraphs (e)(1)(i) through (iv) of this section for the critical cross section of the embankment. The critical cross section is the cross section anticipated to be the most susceptible of all cross sections to structural failure based on appropriate engineering considerations, including loading conditions. The safety factor assessments must be supported by appropriate engineering calculations.	Same		
131	(e)	(1)	(i)			The calculated static factor of safety under the long-term, maximum storage pool loading condition must equal or exceed 1.50.	Same		
132	(e)	(1)	(ii)			The calculated static factor of safety under the maximum surcharge pool loading condition must equal or exceed 1.40.	Same		
133	(e)	(1)	(iii)			The calculated seismic factor of safety must equal or exceed 1.00.	Same		
134	(e)	(1)	(iv)			For dikes constructed of soils that have susceptibility to liquefaction, the calculated liquefaction factor of safety must equal or exceed 1.20.	Same		
135	(e)	(2)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial assessment and each subsequent periodic assessment specified in paragraph (e)(1) of this section meets the requirements of this section.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
136	(f)	(1)				Except as provided by paragraph (f)(2) of this section, the owner or operator of the CCR unit must complete the initial assessments required by paragraphs (a)(2), (d), and (e) of this section no later than October 17, 2016. The owner or operator has completed an initial assessment when the owner or operator has placed the assessment required by paragraphs (a)(2), (d), and (e) of this section in the facility's operating record as required by § 257.105(f)(5), (10), and (12).	Same		
137	(f)	(2)				The owner or operator of the CCR unit may elect to use a previously completed assessment to serve as the initial assessment required by paragraphs (a)(2), (d), and (e) of this section provided that the previously completed assessment(s):	Same		
138	(f)	(2)	(i)			Was completed no earlier than 42 months prior to October 17, 2016; and	Same		
139	(f)	(2)	(ii)			Meets the applicable requirements of paragraphs (a)(2), (d), and (e) of this section.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
140	(f)	(3)				The owner or operator of the CCR unit must conduct and complete the assessments required by paragraphs (a)(2), (d), and (e) of this section every five years. The date of completing the initial assessment is the basis for establishing the deadline to complete the first subsequent assessment. If the owner or operator elects to use a previously completed assessment(s) in lieu of the initial assessment as provided by paragraph (f)(2) of this section, the date of the report for the previously completed assessment is the basis for establishing the deadline to complete the first subsequent assessment. The owner or operator may complete any required assessment prior to the required deadline provided the owner or operator places the completed assessment(s) into the facility's operating record within a reasonable amount of time. In all cases, the deadline for completing subsequent assessments is based on the date of completing the previous assessment. For purposes of this paragraph (f)(3), the owner or operator has completed an assessment when the relevant assessment(s) required by paragraphs (a)(2), (d), and (e) of this section has been placed in the facility's operating record as required by § 257.105(f)(5), (10), and (12).	Same		
141	(f)	(4)				Closure of the CCR unit. An owner or operator of a CCR unit who either fails to complete a timely safety factor assessment or fails to demonstrate minimum safety factors as required by paragraph (e) of this section is subject to the requirements of § 257.101(b)(2).	Same		
142	(g)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the internet requirements specified in § 257.107(f).	Same		
143	§ 257.74 Structural Integrity Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment								

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
144						<i>The owner of operator of the CCR unit must meet all the requirements (a) through (g) and all their components. *These requirements do not apply to existing CCR surface impoundments that are incised CCR units, unless incised CCR surface impoundment is subsequen</i>			
145	(a)					The requirements of paragraphs (a)(1) through (4) of this section apply to all new CCR surface impoundments and any lateral expansion of a CCR surface impoundment, except for those new CCR surface impoundments that are incised CCR units. If an incised CCR surface impoundment is subsequently modified (e.g., a dike is constructed) such that the CCR unit no longer meets the definition of an incised CCR unit, the CCR unit is subject to the requirements of paragraphs (a)(1) through (4) of this section.	Same	NA	
146	(a)	(1)				No later than the initial receipt of CCR, the owner or operator of the CCR unit must place on or immediately adjacent to the CCR unit a permanent identification marker, at least six feet high showing the identification number of the CCR unit, if one has been assigned by the state, the name associated with the CCR unit and the name of the owner or operator of the CCR unit.	Same	NA	
147	(a)	(2)	(i)			The owner or operator of the CCR unit must conduct initial and periodic hazard potential classification assessments of the CCR unit according to the timeframes specified in paragraph (f) of this section. The owner or operator must document the hazard potential classification of each CCR unit as either a high hazard potential CCR surface impoundment, a significant hazard potential CCR surface impoundment, or a low hazard potential CCR surface impoundment. The owner or operator must also document the basis for each hazard potential classification.	Same	NA	



						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
148	(a)	(2)	(ii)			The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial hazard potential classification and each subsequent periodic classification specified in paragraph (a)(2)(i) of this section was conducted in accordance with the requirements of this section.	Same	NA	
149	(a)	(3)	(i)			Development of the plan. Prior to the initial receipt of CCR in the CCR unit, the owner or operator of a CCR unit determined to be either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment under paragraph (a)(2) of this section must prepare and maintain a written EAP. At a minimum, the EAP must:	Same	NA	
150	(a)	(3)	(i)	(A)		Define the events or circumstances involving the CCR unit that represent a safety emergency, along with a description of the procedures that will be followed to detect a safety emergency in a timely manner;	Same	NA	
151	(a)	(3)	(i)	(B)		Define responsible persons, their respective responsibilities, and notification procedures in the event of a safety emergency involving the CCR unit;	Same	NA	
152	(a)	(3)	(i)	(C)		Provide contact information of emergency responders;	Same	NA	
153	(a)	(3)	(i)	(D)		Include a map which delineates the downstream area which would be affected in the event of a CCR unit failure and a physical description of the CCR unit; and	Same	NA	
154	(a)	(3)	(i)	(E)		Include provisions for an annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders.	Same	NA	

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
155	(a)	(3)	(ii)	(A)		The owner or operator of a CCR unit subject to the requirements of paragraph (a)(3)(i) of this section may amend the written EAP at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(f)(6). The owner or operator must amend the written EAP whenever there is a change in conditions that would substantially affect the EAP in effect.	Same	NA	
156	(a)	(3)	(ii)	(B)		The written EAP must be evaluated, at a minimum, every five years to ensure the information required in paragraph (a)(3)(i) of this section is accurate. As necessary, the EAP must be updated and a revised EAP placed in the facility's operating record as required by § 257.105(f)(6).	Same	NA	
157	(a)	(3)	(iii)	(A)		If the owner or operator of a CCR unit determines during a periodic hazard potential assessment that the CCR unit is no longer classified as either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment, then the owner or operator of the CCR unit is no longer subject to the requirement to prepare and maintain a written EAP beginning on the date the periodic hazard potential assessment documentation is placed in the facility's operating record as required by § 257.105(f)(5).	Same	NA	
158	(a)	(3)	(iii)	(B)		If the owner or operator of a CCR unit classified as a low hazard potential CCR surface impoundment subsequently determines that the CCR unit is properly re-classified as either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment, then the owner or operator of the CCR unit must prepare a written EAP for the CCR unit as required by paragraph (a)(3)(i) of this section within six months of completing such periodic hazard potential assessment.	Same	NA	

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
159	(a)	(3)	(iv)			The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the written EAP, and any subsequent amendment of the EAP, meets the requirements of paragraph (a)(3) of this section.	Same	NA	
160	(a)	(3)	(v)			Activation of the EAP. The EAP must be implemented once events or circumstances involving the CCR unit that represent a safety emergency are detected, including conditions identified during periodic structural stability assessments, annual inspections, and inspections by a qualified person.	Same	NA	
161	(a)	(4)				The CCR unit and surrounding areas must be designed, constructed, operated, and maintained with vegetated slopes of dikes not to exceed a height of six inches above the slope of the dike, except for slopes which are protected with an alternate form(s) of slope protection.	Same	NA	
162	(b)					The requirements of paragraphs (c) through (e) of this section apply to an owner or operator of a new CCR surface impoundment and any lateral expansion of a CCR surface impoundment that either: (1) Has a height of five feet or more and a storage volume of 20 acre-feet or more; or (2) Has a height of 20 feet or more.	Same	NA	
163	(c)	(1)				No later than the initial receipt of CCR in the CCR unit, the owner or operator unit must compile the design and construction plans for the CCR unit, which must include, to the extent feasible, the information specified in paragraphs (c)(1)(i) through (xi) of this section.	Same	NA	
164	(c)	(1)	(i)			The name and address of the person(s) owning or operating the CCR unit; the name associated with the CCR unit; and the identification number of the CCR unit if one has been assigned by the state.	Same	NA	

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
165	(c)	(1)	(ii)			The location of the CCR unit identified on the most recent U.S. Geological Survey (USGS) 7 1/2 minute or 15 minute topographic quadrangle map, or a topographic map of equivalent scale if a USGS map is not available.	Same	NA	
166	(c)	(1)	(iii)			A statement of the purpose for which the CCR unit is being used.	Same	NA	
167	(c)	(1)	(iv)			The name and size in acres of the watershed within which the CCR unit is located.	Same	NA	
168	(c)	(1)	(v)			A description of the physical and engineering properties of the foundation and abutment materials on which the CCR unit is constructed.	Same	NA	
169	(c)	(1)	(vi)			A statement of the type, size, range, and physical and engineering properties of the materials used in constructing each zone or stage of the CCR unit; the method of site preparation and construction of each zone of the CCR unit; and the dates of construction of each successive stage of construction of the CCR unit.	Same	NA	
170	(c)	(1)	(vii)			At a scale that details engineering structures and appurtenances relevant to the design, construction, operation, and maintenance of the CCR unit, detailed dimensional drawings of the CCR unit, including a plan view and cross sections of the length and width of the CCR unit, showing all zones, foundation improvements, drainage provisions, spillways, diversion ditches, outlets, instrument locations, and slope protection, in addition to the normal operating pool surface elevation and the maximum pool surface elevation following peak discharge from the inflow design flood, the expected maximum depth of CCR within the CCR surface impoundment, and any identifiable natural or manmade features that could adversely affect operation of the CCR unit due to malfunction or mis-operation.	Same	NA	
171	(c)	(1)	(viii)			A description of the type, purpose, and location of existing instrumentation.	Same	NA	

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
172	(c)	(1)	(ix)			Area-capacity curves for the CCR unit.	Same	NA	
173	(c)	(1)	(x)			A description of each spillway and diversion design features and capacities and calculations used in their determination.	Same	NA	
174	(c)	(1)	(xi)			The construction specifications and provisions for surveillance, maintenance, and repair of the CCR unit.	Same	NA	
175	(c)	(1)	(xii)			Any record or knowledge of structural instability of the CCR unit.	Same	NA	
178	(c)	(2)				Changes in the design and construction. If there is a significant change to any information compiled under paragraph (c)(1) of this section, the owner or operator of the CCR unit must update the relevant information and place it in the facility's operating record as required by § 257.105(f)(13).	Same	NA	
179	(d)	(1)				Periodic structural stability assessments. The owner or operator of the CCR unit must conduct initial and periodic structural stability assessments and document whether the design, construction, operation, and maintenance of the CCR unit is consistent with recognized and generally accepted good engineering practices for the maximum volume of CCR and CCR wastewater which can be impounded therein. The assessment must, at a minimum, document whether the CCR unit has been designed, constructed, operated, and maintained with:	Same	NA	
180	(d)	(1)	(i)			Stable foundations and abutments;	Same	NA	
181	(d)	(1)	(ii)			Adequate slope protection to protect against surface erosion, wave action, and adverse effects of sudden drawdown;	Same	NA	
182	(d)	(1)	(iii)			Dikes mechanically compacted to a density sufficient to withstand the range of loading conditions in the CCR unit;	Same	NA	
183	(d)	(1)	(iv)			Vegetated slopes of dikes and surrounding areas not to exceed a height of six inches above the slope of the dike, except for slopes which have an alternate form or forms of slope protection;	Same	NA	

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
184	(d)	(1)	(v)			A single spillway or a combination of spillways configured as specified in paragraph (d)(1)(v)(A) of this section. The combined capacity of all spillways must be designed, constructed, operated, and maintained to adequately manage flow during and following the peak discharge from the event specified in paragraph (d)(1)(v)(B) of this section.	Same	NA	
185	(d)	(1)	(v)	(A)		All spillways must be either of non-erodible construction and designed to carry sustained flows; or earth- or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.	Same	NA	
186	(d)	(1)	(v)	(B)		The combined capacity of all spillways must adequately manage flow during and following the peak discharge from a: probable maximum flood (PMF) for a high hazard potential CCR surface impoundment; or 1000-year flood for a significant hazard potential CCR surface impoundment; or 100-year flood for a low hazard potential CCR surface impoundment.	Same	NA	
187	(d)	(1)	(vi)			Hydraulic structures underlying the base of the CCR unit or passing through the dike of the CCR unit that maintain structural integrity and are free of significant deterioration, deformation, distortion, bedding deficiencies, sedimentation, and debris which may negatively affect the operation of the hydraulic structure; and	Same	NA	
188	(d)	(1)	(vii)			For CCR units with downstream slopes which can be inundated by the pool of an adjacent water body, such as a river, stream or lake, downstream slopes that maintain structural stability during low pool of the adjacent water body or sudden drawdown of the adjacent water body.	Same	NA	

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
189	(d)	(2)				The periodic assessment described in paragraph (d)(1) of this section must identify any structural stability deficiencies associated with the CCR unit in addition to recommending corrective measures. If a deficiency or a release is identified during the periodic assessment, the owner or operator unit must remedy the deficiency or release as soon as feasible and prepare documentation detailing the corrective measures taken.	Same	NA	
190	(d)	(3)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial assessment and each subsequent periodic assessment was conducted in accordance with the requirements of this section.	Same	NA	
191	(e)	(1)				The owner or operator must conduct an initial and periodic safety factor assessments for each CCR unit and document whether the calculated factors of safety for each CCR unit achieve the minimum safety factors specified in paragraphs (e)(1)(i) through (v) of this section for the critical cross section of the embankment. The critical cross section is the cross section anticipated to be the most susceptible of all cross sections to structural failure based on appropriate engineering considerations, including loading conditions. The safety factor assessments must be supported by appropriate engineering calculations.	Same	NA	
192	(e)	(1)	(i)			The calculated static factor of safety under the end-of-construction loading condition must equal or exceed 1.30. The assessment of this loading condition is only required for the initial safety factor assessment and is not required for subsequent assessments.	Same	NA	
193	(e)	(1)	(ii)			The calculated static factor of safety under the long-term, maximum storage pool loading condition must equal or exceed 1.50.	Same	NA	

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
194	(e)	(1)	(iii)			The calculated static factor of safety under the maximum surcharge pool loading condition must equal or exceed 1.40.	Same	NA	
195	(e)	(1)	(iv)			The calculated seismic factor of safety must equal or exceed 1.00.	Same	NA	
196	(e)	(1)	(v)			For dikes constructed of soils that have susceptibility to liquefaction, the calculated liquefaction factor of safety must equal or exceed 1.20.	Same	NA	
197	(e)	(2)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial assessment and each subsequent periodic assessment specified in paragraph (e)(1) of this section meets the requirements of this section.	Same	NA	
198	(f)	(1)				Except as provided by paragraph (f)(2) of this section, the owner or operator of the CCR unit must complete the initial assessments required by paragraphs (a)(2), (d), and (e) of this section prior to the initial receipt of CCR in the unit. The owner or operator has completed an initial assessment when the owner or operator has placed the assessment required by paragraphs (a)(2), (d), and (e) of this section in the facility's operating record as required by § 257.105(f)(5), (10), and (12).	Same	NA	



						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
199	(f)	(2)				Frequency for conducting periodic assessments. The owner or operator of the CCR unit must conduct and complete the assessments required by paragraphs (a)(2), (d), and (e) of this section every five years. The date of completing the initial assessment is the basis for establishing the deadline to complete the first subsequent assessment. The owner or operator may complete any required assessment prior to the required deadline provided the owner or operator places the completed assessment(s) into the facility's operating record within a reasonable amount of time. In all cases, the deadline for completing subsequent assessments is based on the date of completing the previous assessment. For purposes of this paragraph (f)(2), the owner or operator has completed an assessment when the relevant assessment(s) required by paragraphs (a)(2), (d), and (e) of this section has been placed in the facility's operating record as required by § 257.105(f)(5), (10), and (12).	Same	NA	
200	(f)	(3)				Failure to document minimum safety factors during the initial assessment. Until the date an owner or operator of a CCR unit documents that the calculated factors of safety achieve the minimum safety factors specified in paragraphs (e)(1)(i) through (v) of this section, the owner or operator is prohibited from placing CCR in such unit.	Same	NA	
201	(f)	(4)				Closure of the CCR unit. An owner or operator of a CCR unit who either fails to complete a timely periodic safety factor assessment or fails to demonstrate minimum safety factors as required by paragraph (e) of this section is subject to the requirements of § 257.101(c).	Same	NA	

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
202	(g)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the internet requirements specified in § 257.107(f).	Same		
203	§ 257.80 Air Criteria								
204	The owner of operator of the CCR unit must meet all the requirements (a) through (d) and all their components.								
205	(a)					The owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit must adopt measures that will effectively minimize CCR from becoming airborne at the facility, including CCR fugitive dust originating from CCR units, roads, and other CCR management and material handling activities.	Same		
206	(b)					The owner or operator of the CCR unit must prepare and operate in accordance with a CCR fugitive dust control plan as specified in paragraphs (b)(1) through (7) of this section. This requirement applies in addition to, not in place of, any applicable standards under the Occupational Safety and Health Act.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
207	(b)	(1)				The CCR fugitive dust control plan must identify and describe the CCR fugitive dust control measures the owner or operator will use to minimize CCR from becoming airborne at the facility. The owner or operator must select, and include in the CCR fugitive dust control plan, the CCR fugitive dust control measures that are most appropriate for site conditions, along with an explanation of how the measures selected are applicable and appropriate for site conditions. Examples of control measures that may be appropriate include: Locating CCR inside an enclosure or partial enclosure; operating a water spray or fogging system; reducing fall distances at material drop points; using wind barriers, compaction, or vegetative covers; establishing and enforcing reduced vehicle speed limits; paving and sweeping roads; covering trucks transporting CCR; reducing or halting operations during high wind events; or applying a daily cover.	Same		
208	(b)	(2)				If the owner or operator operates a CCR landfill or any lateral expansion of a CCR landfill, the CCR fugitive dust control plan must include procedures to emplace CCR as conditioned CCR. Conditioned CCR means wetting CCR with water to a moisture content that will prevent wind dispersal, but will not result in free liquids. In lieu of water, CCR conditioning may be accomplished with an appropriate chemical dust suppression agent.	Same		
209	(b)	(3)				The CCR fugitive dust control plan must include procedures to log citizen complaints received by the owner or operator involving CCR fugitive dust events at the facility.	Same		
210	(b)	(4)				The CCR fugitive dust control plan must include a description of the procedures the owner or operator will follow to periodically assess the effectiveness of the control plan.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
211	(b)	(5)				The owner or operator of a CCR unit must prepare an initial CCR fugitive dust control plan for the facility no later than October 19, 2015, or by initial receipt of CCR in any CCR unit at the facility if the owner or operator becomes subject to this subpart after October 19, 2015. The owner or operator has completed the initial CCR fugitive dust control plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(1).	Same		
212	(b)	(6)				Amendment of the plan. The owner or operator of a CCR unit subject to the requirements of this section may amend the written CCR fugitive dust control plan at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(g)(1). The owner or operator must amend the written plan whenever there is a change in conditions that would substantially affect the written plan in effect, such as the construction and operation of a new CCR unit.	Same		
213	(b)	(7)				The owner or operator must obtain a certification from a qualified professional engineer that the initial CCR fugitive dust control plan, or any subsequent amendment of it, meets the requirements of this section.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
214	(c)					Annual CCR fugitive dust control report. The owner or operator of a CCR unit must prepare an annual CCR fugitive dust control report that includes a description of the actions taken by the owner or operator to control CCR fugitive dust, a record of all citizen complaints, and a summary of any corrective measures taken. The initial annual report must be completed no later than 14 months after placing the initial CCR fugitive dust control plan in the facility's operating record. The deadline for completing a subsequent report is one year after the date of completing the previous report. For purposes of this paragraph (c), the owner or operator has completed the annual CCR fugitive dust control report when the plan has been placed in the facility's operating record as required by § 257.105(g)(2).	Same		
215	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).	Same		
							Operating Criteria in 40 CFR (§§ 257.80 - 257.84) have been adopted by reference with the following additions:  Rule 391-3-4-.10(5)  (c) The operation and use of the CCR unit shall be as stipulated in the solid waste handling permit.		
216	§ 257.82 Hydrologic and Hydraulic Capacity Requirements for CCR Surface Impoundments								
217	The owner of operator of the CCR unit must meet all the requirements (a) through (d) and all their components.								

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
218	(a)	(1)				The owner or operator of an existing or new CCR surface impoundment or any lateral expansion of a CCR surface impoundment must design, construct, operate, and maintain an inflow design flood control system as specified in paragraphs (a)(1) and (2) of this section. The inflow design flood control system must adequately manage flow into the CCR unit during and following the peak discharge of the inflow design flood specified in paragraph (a)(3) of this section.	Same		
219	(a)	(2)				The inflow design flood control system must adequately manage flow from the CCR unit to collect and control the peak discharge resulting from the inflow design flood specified in paragraph (a)(3) of this section.	Same		
220	(a)	(3)	(i)			The inflow design flood is for a high hazard potential CCR surface impoundment, as determined under § 257.73(a)(2) or § 257.74(a)(2), the probable maximum flood;	Same		
221	(a)	(3)	(ii)			For a significant hazard potential CCR surface impoundment, as determined under § 257.73(a)(2) or § 257.74(a)(2), the 1,000-year flood;	Same		
222	(a)	(3)	(iii)			For a low hazard potential CCR surface impoundment, as determined under § 257.73(a)(2) or § 257.74(a)(2), the 100-year flood; or	Same		
223	(a)	(3)	(iv)			For an incised CCR surface impoundment, the 25-year flood.	Same		
224	(b)					Discharge from the CCR unit must be handled in accordance with the surface water requirements under § 257.3–3.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
225	(c)	(1)				The owner or operator must prepare initial and periodic inflow design flood control system plans for the CCR unit according to the timeframes specified in paragraphs (c)(3) and (4) of this section. These plans must document how the inflow design flood control system has been designed and constructed to meet the requirements of this section. Each plan must be supported by appropriate engineering calculations. The owner or operator of the CCR unit has completed the inflow design flood control system plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(4).	Same		
226	(c)	(2)				Amendment of the plan. The owner or operator of the CCR unit may amend the written inflow design flood control system plan at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(g)(4). The owner or operator must amend the written inflow design flood control system plan whenever there is a change in conditions that would substantially affect the written plan in effect.	Same		
227	(c)	(3)				Timeframes for preparing the initial plan—(i) Existing CCR surface impoundments. The owner or operator of the CCR unit must prepare the initial inflow design flood control system plan no later than October 17, 2016. (ii) New CCR surface impoundments and any lateral expansion of a CCR surface impoundment. The owner or operator must prepare the initial inflow design flood control system plan no later than the date of initial receipt of CCR in the CCR unit.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
228	(c)	(4)				Frequency for revising the plan. The owner or operator must prepare periodic inflow design flood control system plans required by paragraph (c)(1) of this section every five years. The date of completing the initial plan is the basis for establishing the deadline to complete the first periodic plan. The owner or operator may complete any required plan prior to the required deadline provided the owner or operator places the completed plan into the facility's operating record within a reasonable amount of time. In all cases, the deadline for completing a subsequent plan is based on the date of completing the previous plan. For purposes of this paragraph (c)(4), the owner or operator has completed an inflow design flood control system plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(4).	Same		
229	(c)	(5)				The owner or operator must obtain a certification from a qualified professional engineer stating that the initial and periodic inflow design flood control system plans meet the requirements of this section.	Same		
230	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).	Same		
231	§ 257.83 Inspection Requirements for CCR Surface Impoundments								
232	The owner or operator of the CCR unit must meet all the requirements (a) through (c) and all their components.								
233	(a)	(1)	(i)			<p><i>All CCR surface impoundments and any lateral expansion of a CCR surface impoundment must be examined by a qualified person as follows:</i></p> <p>At intervals not exceeding seven days, inspect for any appearances of actual or potential structural weakness and other conditions which are disrupting or have the potential to disrupt the operation or safety of the CCR unit;</p>	Same		



						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
234	(a)	(1)	(ii)			At intervals not exceeding seven days, inspect the discharge of all outlets of hydraulic structures which pass underneath the base of the surface impoundment or through the dike of the CCR unit for abnormal discoloration, flow or discharge of debris or sediment; and	Same		
235	(a)	(1)	(iii)			At intervals not exceeding 30 days, monitor all CCR unit instrumentation.	Same		
236	(a)	(1)	(iv)			The results of the inspection by a qualified person must be recorded in the facility's operating record as required by § 257.105(g)(5).	Same		
237	(a)	(2)	(i)			For existing impoundments, the owner or operator of the CCR unit must initiate the inspections required under paragraph (a) of this section no later than October 19, 2015.	Same		NA
238	(a)	(2)	(ii)			The owner or operator of a new CCR surface impoundment and any lateral expansion of a CCR surface impoundment must initiate the inspections required under paragraph (a) of this section upon initial receipt of CCR by the CCR unit.	Same	NA	
239	(b)	(1)				If the existing or new CCR surface impoundment or any lateral expansion of the CCR surface impoundment is subject to the periodic structural stability assessment requirements under § 257.73(d) or § 257.74(d), the CCR unit must additionally be inspected on a periodic basis by a qualified professional engineer to ensure that the design, construction, operation, and maintenance of the CCR unit is consistent with recognized and generally accepted good engineering standards.	Same		
240	(b)	(1)	(i)			<i>The inspection must, at a minimum, include:</i>	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
						A review of available information regarding the status and condition of the CCR unit, including, but not limited to, files available in the operating record (e.g., CCR unit design and construction information required by §§ 257.73(c)(1) and 257.74(c)(1), previous periodic structural stability assessments required under §§ 257.73(d) and 257.74(d), the results of inspections by a qualified person, and results of previous annual inspections);			
241	(b)	(1)	(ii)			A visual inspection of the CCR unit to identify signs of distress or malfunction of the CCR unit and appurtenant structures; and	Same		
242	(b)	(1)	(iii)			A visual inspection of any hydraulic structures underlying the base of the CCR unit or passing through the dike of the CCR unit for structural integrity and continued safe and reliable operation.	Same		
243	(b)	(2)	(i)			<i>The qualified professional engineer must prepare a report following each inspection that addresses the following:</i>	Same		
						Any changes in geometry of the impounding structure since the previous annual inspection;			
244	(b)	(2)	(ii)			The location and type of existing instrumentation and the maximum recorded readings of each instrument since the previous annual inspection;	Same		
245	(b)	(2)	(iii)			The approximate minimum, maximum, and present depth and elevation of the impounded water and CCR since the previous annual inspection;	Same		
246	(b)	(2)	(iv)			The storage capacity of the impounding structure at the time of the inspection;	Same		
247	(b)	(2)	(v)			The approximate volume of the impounded water and CCR at the time of the inspection;	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
248	(b)	(2)	(vi)			Any appearances of an actual or potential structural weakness of the CCR unit, in addition to any existing conditions that are disrupting or have the potential to disrupt the operation and safety of the CCR unit and appurtenant structures; and	Same		
249	(b)	(2)	(vii)			Any other change(s) which may have affected the stability or operation of the impounding structure since the previous annual inspection.	Same		
250	(b)	(3)	(i)			The owner or operator of the CCR unit must complete the initial inspection required by paragraphs (b)(1) and (2) of this section no later than January 18, 2016. <b>January 19, 2016</b>	Same		NA
251	(b)	(3)	(ii)			The owner or operator of a new CCR surface impoundments and any lateral expansion of a CCR surface impoundment must complete the initial annual inspection required by paragraphs (b)(1) and (2) of this section is completed no later than 14 months following the date of initial receipt of CCR in the CCR unit.	Same	NA	

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
252	(b)	(4)	(i)			Except as provided for in paragraph (b)(4)(ii) of this section, the owner or operator of the CCR unit must conduct the inspection required by paragraphs (b)(1) and (2) of this section on an annual basis. The date of completing the initial inspection report is the basis for establishing the deadline to complete the first subsequent inspection. Any required inspection may be conducted prior to the required deadline provided the owner or operator places the completed inspection report into the facility's operating record within a reasonable amount of time. In all cases, the deadline for completing subsequent inspection reports is based on the date of completing the previous inspection report. For purposes of this section, the owner or operator has completed an inspection when the inspection report has been placed in the facility's operating record as required by § 257.105(g)(6).	Same		
253	(b)	(4)	(ii)			In any calendar year in which both the periodic inspection by a qualified professional engineer and the quinquennial (occurring every five years) structural stability assessment by a qualified professional engineer required by §§ 257.73(d) and 257.74(d) are required to be completed, the annual inspection is not required, provided the structural stability assessment is completed during the calendar year. If the annual inspection is not conducted in a year as provided by this paragraph (b)(4)(ii), the deadline for completing the next annual inspection is one year from the date of completing the quinquennial structural stability assessment.	Same		
254	(b)	(5)				If a deficiency or release is identified during an inspection, the owner or operator must remedy the deficiency or release as soon as feasible and prepare documentation detailing the corrective measures taken.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
255	(c)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).	Same		
256	§ 257.90 Applicability								
257	The owner of operator of the CCR unit must meet all the requirements (a) through (f), and all their components.								
258	(a)					All CCR landfills, CCR surface impoundments, and lateral expansions of CCR units are subject to the groundwater monitoring and corrective action requirements under §§257.90 through 257.98.	Same		
259	(b)	(1)	(i)			<i>The owner or operator of an existing CCR landfill and existing CCR surface impoundment must be in compliance with the following groundwater monitoring requirements no later than October 17, 2017:</i>	Same		
						Install the groundwater monitoring system as required by § 257.91;			
260	(b)	(1)	(ii)			Develop the groundwater sampling and analysis program to include selection of the statistical procedures to be used for evaluating groundwater monitoring data as required by § 257.93;	Same		
261	(b)	(1)	(iii)			Initiate the detection monitoring program to include obtaining a minimum of eight independent samples for each background and downgradient well as required by § 257.94(b); and	Same		
262	(b)	(1)	(iv)			Begin evaluating the groundwater monitoring data for statistically significant increases over background levels for the constituents listed in appendix III of this part as required by § 257.94.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
263	(b)	(2)				Prior to initial receipt of CCR by the CCR unit, the owner or operator of a new CCR landfill, new CCR surface impoundment, and all lateral expansions of CCR units, must be in compliance with the groundwater monitoring requirements specified in paragraph (b)(1)(i) and (ii) of this section. In addition, the owner or operator of the CCR unit must initiate the detection monitoring program to include obtaining a minimum of eight independent samples for each background well as required by § 257.94(b).	Same		
264	(c)					Once a groundwater monitoring system and groundwater monitoring program has been established at the CCR unit as required by this subpart, the owner or operator must conduct groundwater monitoring and, if necessary, corrective action throughout the active life and post-closure care period of the CCR unit.	Same		
265	(d)					In the event of a release from a CCR unit, the owner or operator must immediately take all necessary measures to control the source(s) of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of contaminants into the environment. The owner or operator of the CCR unit must comply with all applicable requirements in §§ 257.96, 257.97, and 257.98.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
266	(e)					The owner or operator of an existing CCR landfill and existing CCR surface impoundment, must prepare an annual groundwater monitoring and corrective action report no later than January 31, 2018, and annually thereafter. For new CCR landfills, new CCR surface impoundments, and all lateral expansions of CCR units, the owner or operator must prepare the initial annual groundwater monitoring and corrective action report no later than January 31 of the year following the calendar year a groundwater monitoring system has been established for such CCR unit as required by this subpart, and annually thereafter. For the preceding calendar year, the annual report must document the status of the groundwater monitoring and corrective action program for the CCR unit, summarize key actions completed, describe any problems encountered, discuss actions to resolve the problems, and project key activities for the upcoming year. For purposes of this section, the owner or operator has prepared the annual report when the report is placed in the facility's operating record as required by § 257.105(h)(1).	Same		
267	(e)	(1)				<i>At a minimum, the annual groundwater monitoring and corrective action report must contain the following information, to the extent available:</i>	Same		
						A map, aerial image, or diagram showing the CCR unit and all background (or upgradient) and downgradient monitoring wells, to include the well identification numbers, that are part of the groundwater monitoring program for the CCR unit;	Same		
268	(e)	(2)				Identification of any monitoring wells that were installed or decommissioned during the preceding year, along with a narrative description of why those actions were taken;	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
269	(e)	(3)				In addition to all the monitoring data obtained under §§ 257.90 through 257.98, a summary including the number of groundwater samples that were collected for analysis for each background and downgradient well, the dates the samples were collected, and whether the sample was required by the detection monitoring or assessment monitoring programs;	Same		
270	(e)	(4)				A narrative discussion of any transition between monitoring programs (e.g., the date and circumstances for transitioning from detection monitoring to assessment monitoring in addition to identifying the constituent(s) detected at a statistically significant increase over background levels); and	Same		
271	(e)	(5)				Other information required to be included in the annual report as specified in §§ 257.90 through 257.98.	Same		
272	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).	Same		
							<p>Groundwater Monitoring and Corrective Action in 40 CFR (§§ 257.90 - 257.98) have been adopted by reference with the following additions:</p> <p><b>Rule 391-3-4-10(6)</b></p> <p>(b) When referenced in this Rule, Appendix III and Appendix IV constituents shall refer to those constituents as listed in Appendix III and IV of 40 CFR Part 257, Subpart D, 80 FR 21468, (Apr. 17, 2015), which are hereby incorporated by reference.</p> <p>(c) The owner or operator of a CCR unit must submit a semi-annual report to the Division to coincide with the semi-annual sampling event. A qualified groundwater scientist must certify the report.</p>		



						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
							<p>(d) The Division must provide concurrence with the following actions in order for them to be complete:</p> <ol style="list-style-type: none"> <li>1. Groundwater monitoring system design</li> <li>2. Groundwater sampling and analysis plan</li> <li>3. Groundwater monitoring well installation</li> <li>4. Alternate source demonstration</li> <li>5. Selection of remedy</li> <li>6. Completion of remedy</li> </ol> <p>(e) The Director may require the analysis of additional parameters based on waste descriptions.</p> <p>(f) An owner or operator of a CCR unit shall continue to monitor for Appendix I or II constituents if these constituents have previously been detected at statistically significant levels above background concentrations.</p> <p>(g) Monitoring wells require replacement after two dry sampling events, unless an alternate schedule has been approved by the Division. A minor modification shall be submitted in accordance with subparagraph (4)(b)7 of Rule 391-3-4-.02 prior to the installation or decommissioning of monitoring wells. Well installation must be directed by a qualified groundwater scientist.</p>		
273	§ 257.91 Groundwater monitoring systems								
274	The owner of operator of the CCR unit must meet all the requirements (a) through (g) and all their components.								
275	(a)	(1)				The owner or operator of a CCR unit must install a groundwater monitoring system that consists of a sufficient number of wells, installed at appropriate locations and depths, to yield groundwater samples from the uppermost aquifer that accurately represent the quality of background groundwater that has not been affected by leakage from a CCR unit.	Same		
276	(a)	(1)	(i)			A determination of background quality may include sampling of wells that are not hydraulically upgradient of the CCR management area where:	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
						Hydrogeologic conditions do not allow the owner or operator of the CCR unit to determine what wells are hydraulically upgradient; or			
277	(a)	(1)	(ii)			Sampling at other wells will provide an indication of background groundwater quality that is as representative or more representative than that provided by the upgradient wells; and	Same		
278	(a)	(2)				Accurately represent the quality of groundwater passing the waste boundary of the CCR unit. The downgradient monitoring system must be installed at the waste boundary that ensures detection of groundwater contamination in the uppermost aquifer. All potential contaminant pathways must be monitored.	Same		
279	(b)	(1)				The number, spacing, and depths of monitoring systems shall be determined based upon site-specific technical information that must include thorough characterization of: Aquifer thickness, groundwater flow rate, groundwater flow direction including seasonal and temporal fluctuations in groundwater flow; and	Same		
280	(b)	(2)				Saturated and unsaturated geologic units and fill materials overlying the uppermost aquifer, materials comprising the uppermost aquifer, and materials comprising the confining unit defining the lower boundary of the uppermost aquifer, including, but not limited to, thicknesses, stratigraphy, lithology, hydraulic conductivities, porosities and effective porosities.	Same		
281	(c)	(1)				The groundwater monitoring system must include the minimum number of monitoring wells necessary to meet the performance standards specified in paragraph (a) of this section, based on the site-specific information specified in paragraph (b) of this section. The groundwater monitoring system must contain: A minimum of one upgradient and three downgradient monitoring wells; and	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
282	(c)	(2)				Additional monitoring wells as necessary to accurately represent the quality of background groundwater that has not been affected by leakage from the CCR unit and the quality of groundwater passing the waste boundary of the CCR unit.	Same		
283	(d)	(1)				The owner or operator of multiple CCR units may install a multiunit groundwater monitoring system instead of separate groundwater monitoring systems for each CCR unit.	Same		
284	(d)	(1)	(i)			<i>The multiunit groundwater monitoring system must be equally as capable of detecting monitored constituents at the waste boundary of the CCR unit as the individual groundwater monitoring system specified in paragraphs (a) through (c) of this section for each CCR unit based on the following factors:</i>	Same		
						Number, spacing, and orientation of each CCR unit;			
285	(d)	(1)	(ii)			Hydrogeologic setting;	Same		
286	(d)	(1)	(iii)			Site history;	Same		
287	(d)	(1)	(iv)			Engineering design of the CCR unit.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
288	(d)	(2)				If the owner or operator elects to install a multiunit groundwater monitoring system, and if the multiunit system includes at least one existing unlined CCR surface impoundment as determined by § 257.71(a), and if at any time after October 19, 2015 the owner or operator determines in any sampling event that the concentrations of one or more constituents listed in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under § 257.95(h) for the multiunit system, then all unlined CCR surface impoundments comprising the multiunit groundwater monitoring system are subject to the closure requirements under § 257.101(a) to retrofit or close.	Same		
289	(e)	(1)				Monitoring wells must be cased in a manner that maintains the integrity of the monitoring well borehole. This casing must be screened or perforated and packed with gravel or sand, where necessary, to enable collection of groundwater samples. The annular space (i.e., the space between the borehole and well casing) above the sampling depth must be sealed to prevent contamination of samples and the groundwater. The owner or operator of the CCR unit must document and include in the operating record the design, installation, development, and decommissioning of any monitoring wells, piezometers and other measurement, sampling, and analytical devices. The qualified professional engineer must be given access to this documentation when completing the groundwater monitoring system certification required under paragraph (f) of this section.	Same		
290	(e)	(2)				The monitoring wells, piezometers, and other measurement, sampling, and analytical devices must be operated and maintained so that they perform to the design specifications throughout the life of the monitoring program.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
291	(f)					The owner or operator must obtain a certification from a qualified professional engineer stating that the groundwater monitoring system has been designed and constructed to meet the requirements of this section. If the groundwater monitoring system includes the minimum number of monitoring wells specified in paragraph (c)(1) of this section, the certification must document the basis supporting this determination.	Same		
292	(g)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).	Same		
293	§ 257.93 Groundwater Sampling and Analysis Requirements								
294	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (j) and all their components.</i>								
295	(a)					The groundwater monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide an accurate representation of groundwater quality at the background and downgradient wells required by § 257.91.	Same		
296	(a)	(1)				<i>The owner or operator of the CCR unit must develop a sampling and analysis program that includes procedures and techniques for:</i>	Same		
						Sample collection;			
297	(a)	(2)				Sample preservation and shipment;	Same		
298	(a)	(3)				Analytical procedures;	Same		
299	(a)	(4)				Chain of custody control; and	Same		
300	(a)	(5)				Quality assurance and quality control.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
301	(b)					The groundwater monitoring program must include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents and other monitoring parameters in groundwater samples. For purposes of §§ 257.90 through 257.98, the term constituent refers to both hazardous constituents and other monitoring parameters listed in either appendix III or IV of this part.	Same		
302	(c)					Groundwater elevations must be measured in each well immediately prior to purging, each time groundwater is sampled. The owner or operator of the CCR unit must determine the rate and direction of groundwater flow each time groundwater is sampled. Groundwater elevations in wells which monitor the same CCR management area must be measured within a period of time short enough to avoid temporal variations in groundwater flow which could preclude accurate determination of groundwater flow rate and direction.	Same		
303	(d)					The owner or operator of the CCR unit must establish background groundwater quality in a hydraulically upgradient or background well(s) for each of the constituents required in the particular groundwater monitoring program that applies to the CCR unit as determined under § 257.94(a) or § 257.95(a). Background groundwater quality may be established at wells that are not located hydraulically upgradient from the CCR unit if it meets the requirements of § 257.91(a)(1).	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
304	(e)					The number of samples collected when conducting detection monitoring and assessment monitoring (for both downgradient and background wells) must be consistent with the statistical procedures chosen under paragraph (f) of this section and the performance standards under paragraph (g) of this section. The sampling procedures shall be those specified under § 257.94(b) through (d) for detection monitoring, § 257.95(b) through (d) for assessment monitoring, and § 257.96(b) for corrective action.	Same		
305	(f)	(1)				<i>The owner or operator of the CCR unit must select one of the statistical methods specified in paragraphs (f)(1) through (5) of this section to be used in evaluating groundwater monitoring data for each specified constituent. The statistical test chosen shall be conducted separately for each constituent in each monitoring well.</i>	Same		
						A parametric analysis of variance followed by multiple comparison procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.			
306	(f)	(2)				An analysis of variance based on ranks followed by multiple comparison procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.	Same		
307	(f)	(3)				A tolerance or prediction interval procedure, in which an interval for each constituent is established from the distribution of the background data and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
308	(f)	(4)				A control chart approach that gives control limits for each constituent.	Same		
309	(f)	(5)				Another statistical test method that meets the performance standards of paragraph (g) of this section.	Same		
310	(f)	(6)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the selected statistical method is appropriate for evaluating the groundwater monitoring data for the CCR management area. The certification must include a narrative description of the statistical method selected to evaluate the groundwater monitoring data.	Same		
311	(g)	(1)				Any statistical method chosen under paragraph (f) of this section shall comply with the following performance standards, as appropriate, based on the statistical test method used:	Same		
						The statistical method used to evaluate groundwater monitoring data shall be appropriate for the distribution of constituents. Normal distributions of data values shall use parametric methods. Non-normal distributions shall use non-parametric methods. If the distribution of the constituents is shown by the owner or operator of the CCR unit to be inappropriate for a normal theory test, then the data must be transformed or a distribution-free (non-parametric) theory test must be used. If the distributions for the constituents differ, more than one statistical method may be needed.	Same		



						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
312	(g)	(2)				If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a groundwater protection standard, the test shall be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparison procedure is used, the Type I experiment wise error rate for each testing period shall be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons must be maintained. This performance standard does not apply to tolerance intervals, prediction intervals, or control charts.	Same		
313	(g)	(3)				If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its associated parameter values shall be such that this approach is at least as effective as any other approach in this section for evaluating groundwater data. The parameter values shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.	Same		
314	(g)	(4)				If a tolerance interval or a prediction interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, shall be such that this approach is at least as effective as any other approach in this section for evaluating groundwater data. These parameters shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
315	(g)	(5)				The statistical method must account for data below the limit of detection with one or more statistical procedures that shall at least as effective as any other approach in this section for evaluating groundwater data. Any practical quantitation limit that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.	Same		
316	(g)	(6)				If necessary, the statistical method must include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.	Same		
317	(h)					The owner or operator of the CCR unit must determine whether or not there is a statistically significant increase over background values for each constituent required in the particular groundwater monitoring program that applies to the CCR unit, as determined under § 257.94(a) or § 257.95(a).	Same		
318	(h)	(1)				In determining whether a statistically significant increase has occurred, the owner or operator must compare the groundwater quality of each constituent at each monitoring well designated pursuant to § 257.91(a)(2) or (d)(1) to the background value of that constituent, according to the statistical procedures and performance standards specified under paragraphs (f) and (g) of this section.	Same		
319	(h)	(2)				Within 90 days after completing sampling and analysis, the owner or operator must determine whether there has been a statistically significant increase over background for any constituent at each monitoring well.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
320	(i)					The owner or operator must measure “total recoverable metals” concentrations in measuring groundwater quality. Measurement of total recoverable metals captures both the particulate fraction and dissolved fraction of metals in natural waters. Groundwater samples shall not be fieldfiltered prior to analysis.	Same		
321	(j)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Same		
322	<b>§ 257.94 Detection Monitoring Program</b>								
323	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (f) and all their components.</i>								
324	(a)					The owner or operator of a CCR unit must conduct detection monitoring at all groundwater monitoring wells consistent with this section. At a minimum, a detection monitoring program must include groundwater monitoring for all constituents listed in appendix III to this part.	Same		
325	(b)					Except as provided in paragraph (d) of this section, the monitoring frequency for the constituents listed in appendix III to this part shall be at least semiannual during the active life of the CCR unit and the post-closure period. For existing CCR landfills and existing CCR surface impoundments, a minimum of eight independent samples from each background and downgradient well must be collected and analyzed for the constituents listed in appendix III and IV to this part no later than October 17, 2017. For new CCR landfills, new CCR surface impoundments, and all lateral expansions of CCR units, a minimum of eight independent samples for each background well must be collected and analyzed for the constituents listed in appendices III and IV to this part during the first six months of sampling.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
326	(c)					The number of samples collected and analyzed for each background well and downgradient well during subsequent semiannual sampling events must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each background and downgradient well.	Same		
327	(d)	(1)				The owner or operator of a CCR unit may demonstrate the need for an alternative monitoring frequency for repeated sampling and analysis for constituents listed in appendix III to this part during the active life and the post-closure care period based on the availability of groundwater. If there is not adequate groundwater flow to sample wells semiannually, the alternative frequency shall be no less than annual. The need to vary monitoring frequency must be evaluated on a site-specific basis. The demonstration must be supported by, at a minimum, the information specified in paragraphs (d)(1) and (2) of this section.	Same		
328	(d)	(1)	(i)			<i>The alternative frequency must be based on consideration of the following factors:</i>	Same		
						Lithology of the aquifer and unsaturated zone;			
329	(d)	(1)	(ii)			Hydraulic conductivity of the aquifer and unsaturated zone; and	Same		
330	(d)	(1)	(iii)			Groundwater flow rates.	Same		
331	(d)	(2)				Information documenting that the alternative frequency will be no less effective in ensuring that any leakage from the CCR unit will be discovered within a timeframe that will not materially delay establishment of an assessment monitoring program.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
332	(d)	(3)				The owner or operator must obtain a certification from a qualified demonstration for an alternative groundwater sampling and analysis frequency meets the requirements of this section. The owner or operator must include the demonstration providing the basis for the alternative monitoring frequency and the certification by a qualified professional engineer in the annual groundwater monitoring and corrective action report required by § 257.90(e).	Same		
333	(e)	(1)				<i>If the owner or operator of the CCR unit determines, pursuant to § 257.93(h) that there is a statistically significant increase over background levels for one or more of the constituents listed in appendix III to this part at any monitoring well at the waste boundary specified under § 257.91(a)(2), the owner or operator must:</i>	Same		
						Except as provided for in paragraph (e)(2) of this section, within 90 days of detecting a statistically significant increase over background levels for any constituent, establish an assessment monitoring program meeting the requirements of § 257.95.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
334	(e)	(2)				The owner or operator may demonstrate that a source other than the CCR unit caused the statistically significant increase over background levels for a constituent or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. The owner or operator must complete the written demonstration within 90 days of detecting a statistically significant increase over background levels to include obtaining a certification from a qualified professional engineer verifying the accuracy of the information in the report. If a successful demonstration is completed within the 90-day period, the owner or operator of the CCR unit may continue with a detection monitoring program under this section. If a successful demonstration is not completed within the 90-day period, the owner or operator of the CCR unit must initiate an assessment monitoring program as required under § 257.95. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.	Same		
335	(e)	(3)				The owner or operator of a CCR unit must prepare a notification stating that an assessment monitoring program has been established. The owner or operator has completed the notification when the notification is placed in the facility's operating record as required by § 257.105(h)(5).	Same		
336	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Same		
337	§ 257.95 Assessment Monitoring Program								

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
338	The owner of operator of the CCR unit must meet all the requirements (a) through (h) and all their components.								
339	(a)					Assessment monitoring is required whenever a statistically significant increase over background levels has been detected for one or more of the constituents listed in appendix III to this part.	Same		
340	(b)					Within 90 days of triggering an assessment monitoring program, and annually thereafter, the owner or operator of the CCR unit must sample and analyze the groundwater for all constituents listed in appendix IV to this part. The number of samples collected and analyzed for each well during each sampling event must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each well.	Same		
341	(c)	(1)				The owner or operator of a CCR unit may demonstrate the need for an alternative monitoring frequency for repeated sampling and analysis for constituents listed in appendix IV to this part during the active life and the post-closure care period based on the availability of groundwater. If there is not adequate groundwater flow to sample wells semiannually, the alternative frequency shall be no less than annual. The need to vary monitoring frequency must be evaluated on a site-specific basis. The demonstration must be supported by, at a minimum, the information specified in paragraphs (c)(1) and (2) of this section. Information documenting that the need for less frequent sampling.	Same		
342	(c)	(1)	(i)			The alternative frequency must be based on consideration of the following factors:	Same		
						Lithology of the aquifer and unsaturated zone;			
343	(c)	(1)	(ii)			Hydraulic conductivity of the aquifer and unsaturated zone; and	Same		
344	(c)	(1)	(iii)			Groundwater flow rates.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
345	(c)	(2)				Information documenting that the alternative frequency will be no less effective in ensuring that any leakage from the CCR unit will be discovered within a timeframe that will not materially delay the initiation of any necessary remediation measures.	Same		
346	(c)	(3)				The owner or operator must obtain a certification from a qualified professional engineer stating that the demonstration for an alternative groundwater sampling and analysis frequency meets the requirements of this section. The owner or operator must include the demonstration providing the basis for the alternative monitoring frequency and the certification by a qualified professional engineer in the annual groundwater monitoring and corrective action report required by § 257.90(e).	Same		
347	(d)	(1)				<i>After obtaining the results from the initial and subsequent sampling events required in paragraph (b) of this section, the owner or operator must:</i>	Same		
						Within 90 days of obtaining the results, and on at least a semiannual basis thereafter, resample all wells that were installed pursuant to the requirements of § 257.91, conduct analyses for all parameters in appendix III to this part and for those constituents in appendix IV to this part that are detected in response to paragraph (b) of this section, and record their concentrations in the facility operating record. The number of samples collected and analyzed for each background well and downgradient well during subsequent semiannual sampling events must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each background and downgradient well;			



						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
348	(d)	(2)				Establish groundwater protection standards for all constituents detected pursuant to paragraph (b) or (d) of this section. The groundwater protection standards must be established in accordance with paragraph (h) of this section; and	Same		
349	(d)	(3)				Include the recorded concentrations required by paragraph (d)(1) of this section, identify the background concentrations established under § 257.94(b), and identify the groundwater protection standards established under paragraph (d)(2) of this section in the annual groundwater monitoring and corrective action report required by § 257.90(e).	Same		
350	(e)					If the concentrations of all constituents listed in appendices III and IV to this part are shown to be at or below background values, using the statistical procedures in § 257.93(g), for two consecutive sampling events, the owner or operator may return to detection monitoring of the CCR unit. The owner or operator must prepare a notification stating that detection monitoring is resuming for the CCR unit. The owner or operator has completed the notification when the notification is placed in the facility's operating record as required by § 257.105(h)(7).	Same		
351	(f)					If the concentrations of any constituent in appendices III and IV to this part are above background values, but all concentrations are below the groundwater protection standard established under paragraph (h) of this section, using the statistical procedures in § 257.93(g), the owner or operator must continue assessment monitoring in accordance with this section.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
352	(g)					If one or more constituents in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under paragraph (h) of this section in any sampling event, the owner or operator must prepare a notification identifying the constituents in appendix IV to this part that have exceeded the groundwater protection standard. The owner or operator has completed the notification when the notification is placed in the facility's operating record as required by § 257.105(h)(8).	Same		
353	(g)	(1)	(i)			<i>The owner or operator of the CCR unit also must:</i>	Same		
						Characterize the nature and extent of the release and any relevant site conditions that may affect the remedy ultimately selected. The characterization must be sufficient to support a complete and accurate assessment of the corrective measures necessary to effectively clean up all releases from the CCR unit pursuant to § 257.96. Characterization of the release includes the following minimum measures: Install additional monitoring wells necessary to define the contaminant plume(s);	Same		
354	(g)	(1)	(ii)			Collect data on the nature and estimated quantity of material released including specific information on the constituents listed in appendix IV of this part and the levels at which they are present in the material released;	Same		
355	(g)	(1)	(iii)			Install at least one additional monitoring well at the facility boundary in the direction of contaminant migration and sample this well in accordance with paragraph (d)(1) of this section; and	Same		
356	(g)	(1)	(iv)			Sample all wells in accordance with paragraph (d)(1) of this section to characterize the nature and extent of the release.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
357	(g)	(2)				Notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site if indicated by sampling of wells in accordance with paragraph (g)(1) of this section.	Same		
358	(g)	(2)	(i)			The owner or operator has completed the notifications when they are placed in the facility's operating record as required by § 257.105(h)(8).	Same		
359	(g)	(3)	(i)			<i>Within 90 days of finding that any of the constituents listed in appendix IV to this part have been detected at a statistically significant level exceeding the groundwater protection standards the owner or operator must either:</i>	Same		
						Initiate an assessment of corrective measures as required by § 257.96; or			
360	(g)	(3)	(ii)			Demonstrate that a source other than the CCR unit caused the contamination, or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. Any such demonstration must be supported by a report that includes the factual or evidentiary basis for any conclusions and must be certified to be accurate by a qualified professional engineer. If a successful demonstration is made, the owner or operator must continue monitoring in accordance with the assessment monitoring program pursuant to this section, and may return to detection monitoring if the constituents in appendices III and IV to this part are at or below background as specified in paragraph (e) of this section. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
361	(g)	(4)				If a successful demonstration has not been made at the end of the 90 day period provided by paragraph (g)(3)(ii) of this section, the owner or operator of the CCR unit must initiate the assessment of corrective measures requirements under § 257.96.	Same		
362	(g)	(5)				If an assessment of corrective measures is required under § 257.96 by either paragraph (g)(3)(i) or (g)(4) of this section, and if the CCR unit is an existing unlined CCR surface impoundment as determined by § 257.71(a), then the CCR unit is subject to the closure requirements under § 257.101(a) to retrofit or close. In addition, the owner or operator must prepare a notification stating that an assessment of corrective measures has been initiated.	Same		
363	(h)					The owner or operator of the CCR unit must establish a groundwater protection standard for each constituent in appendix IV to this part detected in the groundwater.	Same		
364	(h)	(1)				<i>The groundwater protection standard shall be:</i>	Same		
						The owner or operator of the CCR unit must establish a groundwater protection standard for each constituent in appendix IV to this part detected in the groundwater. The groundwater protection standard shall be: For constituents for which a maximum contaminant level (MCL) has been established under §§ 141.62 and 141.66 of this title, the MCL for that constituent;			
365	(h)	(2)				For constituents for which an MCL has not been established, the background concentration for the constituent established from wells in accordance with § 257.91; or	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
366	(h)	(3)				For constituents for which the background level is higher than the MCL identified under paragraph (h)(1) of this section, the background concentration. (i) The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Same		
367	§ 257.96 Assessment of Corrective Measures								
368	The owner of operator of the CCR unit must meet all the requirements (a) through (f) and all their components.								
369	(a)					Within 90 days of finding that any constituent listed in appendix IV to this part has been detected at a statistically significant level exceeding the groundwater protection standard defined under § 257.95(h), or immediately upon detection of a release from a CCR unit, the owner or operator must initiate an assessment of corrective measures to prevent further releases, to remediate any releases and to restore affected area to original conditions. The assessment of corrective measures must be completed within 90 days, unless the owner or operator demonstrates the need for additional time to complete the assessment of corrective measures due to site-specific conditions or circumstances. The owner or operator must obtain a certification from a qualified professional engineer attesting that the demonstration is accurate. The 90-day deadline to complete the assessment of corrective measures may be extended for no longer than 60 days. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
370	(b)					The owner or operator of the CCR unit must continue to monitor groundwater in accordance with the assessment monitoring program as specified in § 257.95.	Same		
371	(c)	(1)				<i>The assessment under paragraph (a) of this section must include an analysis of the effectiveness of potential corrective measures in meeting all of the requirements and objectives of the remedy as described under § 257.97 addressing at least the following:</i>	Same		
						The performance, reliability, ease of implementation, and potential impacts of appropriate potential remedies, including safety impacts, cross-media impacts, and control of exposure to any residual contamination;			
372	(c)	(2)				The time required to begin and complete the remedy;	Same		
373	(c)	(3)				The institutional requirements, such as state or local permit requirements or other environmental or public health requirements that may substantially affect implementation of the remedy(s).	Same		
374	(d)					The owner or operator must place the completed assessment of corrective measures in the facility's operating record. The assessment has been completed when it is placed in the facility's operating record as required by § 257.105(h)(10).	Same		
375	(e)					The owner or operator must discuss the results of the corrective measures assessment at least 30 days prior to the selection of remedy, in a public meeting with interested and affected parties.	Same		
376	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Same		
377	§ 257.97 Selection of Remedy								

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
378	The owner of operator of the CCR unit must meet all the requirements (a) through (e) and all their components.								
379	(a)					Based on the results of the corrective measures assessment conducted under § 257.96, the owner or operator must, as soon as feasible, select a remedy that, at a minimum, meets the standards listed in paragraph (b) of this section. This requirement applies to, not in place of, any applicable standards under the Occupational Safety and Health Act. The owner or operator must prepare a semiannual report describing the progress in selecting and designing the remedy. Upon selection of a remedy, the owner or operator must prepare a final report describing the selected remedy and how it meets the standards specified in paragraph (b) of this section. The owner or operator must obtain a certification from a qualified professional engineer that the remedy selected meets the requirements of this section. The report has been completed when it is placed in the operating record as required by § 257.105(h)(12).	Same		
380	(b)	(1)				Remedies must:	Same		
						Be protective of human health and the environment;			
381	(b)	(2)				Attain the groundwater protection standard as specified pursuant to § 257.95(h);	Same		
382	(b)	(3)				Control the source(s) of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of constituents in appendix IV to this part into the environment;	Same		
383	(b)	(4)				Remove from the environment as much of the contaminated material that was released from the CCR unit as is feasible, taking into account factors such as avoiding inappropriate disturbance of sensitive ecosystems;	Same		
384	(b)	(5)				Comply with standards for management of wastes as specified in § 257.98(d).	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
385	(c)					<i>In selecting a remedy that meets the standards of paragraph (b) of this section, the owner or operator of the CCR unit shall consider the following evaluation factors:</i>	Same		
						The long- and short-term effectiveness and protectiveness of the potential remedy(s), along with the degree of certainty that the remedy will prove successful.			
386	(c)	(1)	(i)			<i>The remedy will prove successful based on consideration of the following:</i>	Same		
						Magnitude of reduction of existing risks;			
387	(c)	(1)	(ii)			Magnitude of residual risks in terms of likelihood of further releases due to CCR remaining following implementation of a remedy;	Same		
388	(c)	(1)	(iii)			The type and degree of long-term management required, including monitoring, operation, and maintenance;	Same		
389	(c)	(1)	(iv)			Short-term risks that might be posed to the community or the environment during implementation of such a remedy, including potential threats to human health and the environment associated with excavation, transportation, and redisposal of contaminant;	Same		
390	(c)	(1)	(v)			Time until full protection is achieved;	Same		
391	(c)	(1)	(vi)			Potential for exposure of humans and environmental receptors to remaining wastes, considering the potential threat to human health and the environment associated with excavation, transportation, re-disposal, or containment;	Same		
392	(c)	(1)	(vii)			Long-term reliability of the engineering and institutional controls; and (viii) Potential need for replacement of the remedy.	Same		
393	(c)	(2)	(i)			<i>The effectiveness of the remedy in controlling the source to reduce further releases based on consideration of the following factors:</i>	Same		



						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
						The extent to which containment practices will reduce further releases; and			
394	(c)	(2)	(ii)			The extent to which treatment technologies may be used.	Same		
395	(c)	(3)	(i)			<i>The ease or difficulty of implementing a potential remedy(s) based on consideration of the following types of factors:</i>	Same		
						Degree of difficulty associated with constructing the technology;			
396	(c)	(3)	(ii)			Expected operational reliability of the technologies;	Same		
397	(c)	(3)	(iii)			Need to coordinate with and obtain necessary approvals and permits from other agencies;	Same		
398	(c)	(3)	(iv)			Availability of necessary equipment and specialists; and	Same		
399	(c)	(3)	(v)			Available capacity and location of needed treatment, storage, and disposal services.	Same		
400	(c)	(4)				The degree to which community concerns are addressed by a potential remedy(s).	Same		
401	(d)					The owner or operator must specify as part of the selected remedy a schedule(s) for implementing and completing remedial activities. Such a schedule must require the completion of remedial activities within a reasonable period of time taking into consideration the factors set forth in paragraphs (d)(1) through (6) of this section.	Same		
402	(d)	(1)				<i>The owner or operator of the CCR unit must consider the following factors in determining the schedule of remedial activities:</i>	Same		
						Extent and nature of contamination, as determined by the characterization required under § 257.95(g);			
403	(d)	(2)				Reasonable probabilities of remedial technologies in achieving compliance with the groundwater protection standards established under § 257.95(h) and other objectives of the remedy;	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
404	(d)	(3)				Availability of treatment or disposal capacity for CCR managed during implementation of the remedy;	Same		
405	(d)	(4)				Potential risks to human health and the environment from exposure to contamination prior to completion of the remedy;	Same		
406	(d)	(5)	(i)			Resource value of the aquifer including: Current and future uses;	Same		
407	(d)	(5)	(ii)			Proximity and withdrawal rate of users;	Same		
408	(d)	(5)	(iii)			Groundwater quantity and quality;	Same		
409	(d)	(5)	(iv)			The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to CCR constituents;	Same		
410	(d)	(5)	(v)			The hydrogeologic characteristic of the facility and surrounding land; and (vi) The availability of alternative water supplies; and	Same		
411	(d)	(6)				Other relevant factors.	Same		
412	(e)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Same		
413	§ 257.98 Implementation of the Corrective Action Program								
414	The owner of operator of the CCR unit must meet all the requirements (a) through (f) and all their components.								
415	(a)					Within 90 days of selecting a remedy under § 257.97, the owner or operator must initiate remedial activities.	Same		
416	(a)	(1)				Based on the schedule established under § 257.97(d) for implementation and completion of remedial activities the owner or operator must:	Same		
						Establish and implement a corrective action groundwater monitoring program.			
417	(a)	(1)	(i)			The corrective action groundwater monitoring program must:	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
						At a minimum, meets the requirements of an assessment monitoring program under § 257.95;			
418	(a)	(1)	(ii)			Documents the effectiveness of the corrective action remedy; and	Same		
419	(a)	(1)	(iii)			Demonstrates compliance with the groundwater protection standard pursuant to paragraph (c) of this section.	Same		
420	(a)	(2)				Implement the corrective action remedy selected under § 257.97; and	Same		
421	(a)	(3)				Take any interim measures necessary to reduce the contaminants leaching from the CCR unit, and/or potential exposures to human or ecological receptors. Interim measures must, to the greatest extent feasible, be consistent with the objectives of and contribute to the performance of any remedy that may be required pursuant to § 257.97.	Same		
422	(a)	(3)	(i)			<i>The following factors must be considered by an owner or operator in determining whether interim measures are necessary:</i>	Same		
						Time required to develop and implement a final remedy;			
423	(a)	(3)	(ii)			Actual or potential exposure of nearby populations or environmental receptors to any of the constituents listed in appendix IV of this part;	Same		
424	(a)	(3)	(iii)			Actual or potential contamination of drinking water supplies or sensitive ecosystems;	Same		
425	(a)	(3)	(iv)			Further degradation of the groundwater that may occur if remedial action is not initiated expeditiously;	Same		
426	(a)	(3)	(v)			Weather conditions that may cause any of the constituents listed in appendix IV to this part to migrate or be released;	Same		
427	(a)	(3)	(vi)			Potential for exposure to any of the constituents listed in appendix IV to this part as a result of an accident or failure of a container or handling system; and	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
428	(a)	(3)	(vii)			Other situations that may pose threats to human health and the environment.	Same		
429	(b)					If an owner or operator of the CCR unit, determines, at any time, that compliance with the requirements of § 257.97(b) is not being achieved through the remedy selected, the owner or operator must implement other methods or techniques that could feasibly achieve compliance with the requirements.	Same		
430	(c)	(1)				<i>Remedies selected pursuant to § 257.97 shall be considered complete when:</i>	Same		
						The owner or operator of the CCR unit demonstrates compliance with the groundwater protection standards established under § 257.95(h) has been achieved at all points within the plume of contamination that lie beyond the groundwater monitoring well system established under § 257.91.			
431	(c)	(2)				Compliance with the groundwater protection standards established under § 257.95(h) has been achieved by demonstrating that concentrations of constituents listed in appendix IV to this part have not exceeded the groundwater protection standard(s) for a period of three consecutive years using the statistical procedures and performance standards in § 257.93(f) and (g).	Same		
432	(c)	(3)				All actions required to complete the remedy have been satisfied.	Same		
433	(d)					All CCR that are managed pursuant to a remedy required under § 257.97, or an interim measure required under paragraph (a)(3) of this section, shall be managed in a manner that complies with all applicable RCRA requirements.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
434	(e)					Upon completion of the remedy, the owner or operator must prepare a notification stating that the remedy has been completed. The owner or operator must obtain a certification from a qualified professional engineer attesting that the remedy has been completed in compliance with the requirements of paragraph (c) of this section. The report has been completed when it is placed in the operating record as required by § 257.105(h)(13).	Same		
435	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).	Same		
436	§ 257.100 Inactive CCR Surface Impoundments								
437	The owner of operator of the CCR unit must meet all the requirements (a) through (d) and all their components.								
438	(a)					Inactive CCR surface impoundments are subject to all of the requirements of this subpart applicable to existing CCR surface impoundments.	Same		NA
439	(e)	(1)				Timeframes for certain inactive CCR surface impoundments. (1) An inactive CCR surface impoundment for which the owner or operator has completed the actions by the deadlines specified in paragraphs (e)(1)(i) through (iii) of this section is eligible for the alternative timeframes specified in paragraphs (e)(2) through (6) of this section. The owner or operator of the CCR unit must comply with the applicable recordkeeping, notification, and internet requirements associated with these provisions. For the inactive CCR surface impoundment:	Same		NA

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
440	(e)	(1)	(i)			The owner or operator must have prepared and placed in the facility's operating record by December 17, 2015, a notification of intent to initiate closure of the inactive CCR surface impoundment pursuant to §257.105(i)(1);	Same		NA
441	(e)	(1)	(ii)			The owner or operator must have provided notification to the State Director and/or appropriate Tribal authority by January 19, 2016, of the intent to initiate closure of the inactive CCR surface impoundment pursuant to §257.106(i)(1); and	Same		NA
442	(e)	(1)	(iii)			The owner or operator must have placed on its CCR Web site by January 19, 2016, the notification of intent to initiate closure of the inactive CCR surface impoundment pursuant to §257.107(i)(1).	Same		NA
443	(e)	(2)	(i)			Location restrictions. (i) No later than April 16, 2020, the owner or operator of the inactive CCR surface impoundment must:	Same		NA
444	(e)	(2)	(i)	(A)		Complete the demonstration for placement above the uppermost aquifer as set forth by §257.60(a), (b), and (c)(3);	Same		NA
445	(e)	(2)	(i)	(B)		Complete the demonstration for wetlands as set forth by §257.61(a), (b), and (c)(3);	Same		NA
446	(e)	(2)	(i)	(C)		Complete the demonstration for fault areas as set forth by §257.62(a), (b), and (c)(3);	Same		NA
447	(e)	(2)	(i)	(D)		Complete the demonstration for seismic impact zones as set forth by §257.63(a), (b), and (c)(3); and	Same		NA
448	(e)	(2)	(i)	(E)		Complete the demonstration for unstable areas as set forth by §257.64(a), (b), (c), and (d)(3).	Same		NA
449	(e)	(2)	(ii)			An owner or operator of an inactive CCR surface impoundment who fails to demonstrate compliance with the requirements of paragraph (e)(2)(i) of this section is subject to the closure requirements of §257.101(b)(1).	Same		NA

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
450	(e)	(3)				<i>Design criteria. The owner or operator of the inactive CCR surface impoundment must:</i>	Same		NA
451	(e)	(3)	(i)			No later than April 17, 2018, complete the documentation of liner type as set forth by §257.71(a) and (b).	Same		NA
452	(e)	(3)	(ii)			No later than June 16, 2017, place on or immediately adjacent to the CCR unit the permanent identification marker as set forth by §257.73(a)(1).	Same		NA
453	(e)	(3)	(iii)			No later than October 16, 2018, prepare and maintain an Emergency Action Plan as set forth by §257.73(a)(3).	Same		NA
454	(e)	(3)	(iv)			No later than April 17, 2018, compile a history of construction as set forth by §257.73(b) and (c).	Same		NA
455	(e)	(3)	(v)			No later than April 17, 2018, complete the initial hazard potential classification, structural stability, and safety factor assessments as set forth by §257.73(a)(2), (b), (d), (e), and (f).	Same		NA
456	(e)	(4)				<i>Operating criteria. The owner or operator of the inactive CCR surface impoundment must:</i>	Same		NA
457	(e)	(4)	(i)			No later than April 18, 2017, prepare the initial CCR fugitive dust control plan as set forth in §257.80(b).	Same		NA
458	(e)	(4)	(ii)			No later than April 17, 2018, prepare the initial inflow design flood control system plan as set forth in §257.82(c).	Same		NA
459	(e)	(4)	(iii)			No later than April 18, 2017, initiate the inspections by a qualified person as set forth by §257.83(a).	Same		NA
460	(e)	(4)	(iv)			No later than July 19, 2017, complete the initial annual inspection by a qualified professional engineer as set forth by §257.83(b).	Same		NA
461	(e)	(5)				Groundwater monitoring and corrective action. The owner or operator of the inactive CCR surface impoundment must:	Same		NA

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
462	(e)	(5)	(i)			The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(i), the notification requirements specified in § 257.106(i), and the internet requirements specified in § 257.107(i).	Same		NA
463	(e)	(5)	(ii)			No later than August 1, 2019, prepare the initial groundwater monitoring and corrective action report as set forth in §257.90(e).	Same		NA
464	(e)	(6)	(i)			Closure and post-closure care. The owner or operator of the inactive CCR surface impoundment must:	Same		NA
465	(e)	(6)				No later than April 17, 2018, prepare an initial written closure plan as set forth in §257.102(b); and	Same		NA
466	(e)	(6)		(ii)		No later than April 17, 2018, prepare an initial written post-closure care plan as set forth in §257.104(d).	Same		
							<b>Rule 391-3-4-.10(7) (a)</b> Inactive surface impoundments are subject to the requirements in 40 CFR 257.100.  1. The following additional requirements apply to inactive surface impoundments that complete closure requirements in 40 CFR 257.100(e)(1) through (e)(4) no later than April 17, 2018: (i) Permitting requirements in Rule 391-3-4-.10(9) (ii) Groundwater monitoring and corrective action requirements in Rule 391-3-4-.10(6)  2. CCR surface impoundments that complete closure through removal of CCR and meet all of the requirements of 40 CFR 257.100(e)(5) no later than April 17, 2018 are subject only to the requirements in subparagraph (9)(c)6(v)(I) of Rule 391-3-4-.10.		
467	§ 257.101 Closure or Retrofit of CCR Units								
468	The owner of operator of the CCR unit must meet all the requirements (a) through (d) and all their components.								



						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
469	(a)	(1)				The owner or operator of an existing unlined CCR surface impoundment, as determined under § 257.71(a), is subject to the requirements of paragraph (a)(1) of this section. Except as provided by paragraph (a)(3) of this section, if at any time after October 19, 2015 an owner or operator of an existing unlined CCR surface impoundment determines in any sampling event that the concentrations of one or more constituents listed in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under § 257.95(h) for such CCR unit, within six months of making such determination, the owner or operator of the existing unlined CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR surface impoundment and either retrofit or close the CCR unit in accordance with the requirements of § 257.102.	Same		NA
470	(a)	(2)				An owner or operator of an existing unlined CCR surface impoundment that closes in accordance with paragraph (a)(1) of this section must include a statement in the notification required under § 257.102(g) or (k)(5) that the CCR surface impoundment is closing or retrofitting under the requirements of paragraph (a)(1) of this section.	Same		NA
471	(a)	(3)				The timeframe specified in paragraph (a)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.	Same		NA
472	(a)	(4)				At any time after the initiation of closure under paragraph (a)(1) of this section, the owner or operator may cease closure activities and initiate a retrofit of the CCR unit in accordance with the requirements of § 257.102(k).	Same		NA

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
473	(b)	(1)				The owner or operator of an existing CCR surface impoundment is subject to the requirements of paragraph (b)(1) of this section. Except as provided by paragraph (b)(4) of this section, within six months of determining that an existing CCR surface impoundment has not demonstrated compliance with any location standard specified in §§ 257.60(a), 257.61(a), 257.62(a), 257.63(a), and 257.64(a), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.	Same		NA
474	(b)	(2)				Within six months of either failing to complete the initial or any subsequent periodic safety factor assessment required by § 257.73(e) by the deadlines specified in § 257.73(f)(1) through (3) or failing to document that the calculated factors of safety for the existing CCR surface impoundment achieve the minimum safety factors specified in § 257.73(e)(1)(i) through (iv), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.	Same		NA
475	(b)	(3)				An owner or operator of an existing CCR surface impoundment that closes in accordance with paragraphs (b)(1) or (2) of this section must include a statement in the notification required under § 257.102(g) that the CCR surface impoundment is closing under the requirements of paragraphs (b)(1) or (2) of this section.	Same		NA
476	(b)	(4)				The timeframe specified in paragraph (b)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.	Same		NA

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
477	(c)	(1)				The owner or operator of a new CCR surface impoundment is subject to the requirements of paragraph (c)(1) of this section. Within six months of either failing to complete the initial or any subsequent periodic safety factor assessment required by § 257.74(e) by the deadlines specified in § 257.74(f)(1) through (3) or failing to document that the calculated factors of safety for the new CCR surface impoundment achieve the minimum safety factors specified in § 257.74(e)(1)(i) through (v), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.	Same	NA	
478	(c)	(2)				An owner or operator of an new CCR surface impoundment that closes in accordance with paragraph (c)(1) of this section must include a statement in the notification required under § 257.102(g) that the CCR surface impoundment is closing under the requirements of paragraph (c)(1) of this section.	Same	NA	
479	(d)	(1)				The owner or operator of an existing CCR landfill is subject to the requirements of paragraph (d)(1) of this section. Except as provided by paragraph (d)(3) of this section, within six months of determining that an existing CCR landfill has not demonstrated compliance with the location restriction for unstable areas specified in § 257.64(a), the owner or operator of the CCR unit must cease placing CCR and non-CCR waste streams into such CCR landfill and close the CCR unit in accordance with the requirements of § 257.102.	Same	NA	NA

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
480	(d)	(2)				An owner or operator of an existing CCR landfill that closes in accordance with paragraph (d)(1) of this section must include a statement in the notification required under § 257.102(g) that the CCR landfill is closing under the requirements of paragraph (d)(1) of this section.	Same	NA	NA
481	(d)	(3)				The timeframe specified in paragraph (d)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.	Same	NA	NA
482	§ 257.102 Criteria for Conducting the Closure or Retrofit of CCR Units								
483	The owner of operator of the CCR unit must meet all the requirements (a) through (k) and all their components.								
484	(a)					Closure of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit must be completed either by leaving the CCR in place and installing a final cover system or through removal of the CCR and decontamination of the CCR unit, as described in paragraphs (b) through (j) of this section. Retrofit of a CCR surface impoundment must be completed in accordance with the requirements in paragraph (k) of this section.	Same		
485	(b)	(1)				The owner or operator of a CCR unit must prepare a written closure plan that describes the steps necessary to close the CCR unit at any point during the active life of the CCR unit consistent with recognized and generally accepted good engineering practices.	Same		
486	(b)	(1)	(i)			The written closure plan must include, at a minimum, the information specified in paragraphs (b)(1)(i) through (vi) of this section:	Same		
						A narrative description of how the CCR unit will be closed in accordance with this section.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
487	(b)	(1)	(ii)			If closure of the CCR unit will be accomplished through removal of CCR from the CCR unit, a description of the procedures to remove the CCR and decontaminate the CCR unit in accordance with paragraph (c) of this section.	Same		
488	(b)	(1)	(iii)			If closure of the CCR unit will be accomplished by leaving CCR in place, a description of the final cover system, designed in accordance with paragraph (d) of this section, and the methods and procedures to be used to install the final cover. The closure plan must also discuss how the final cover system will achieve the performance standards specified in paragraph (d) of this section.	Same		
489	(b)	(1)	(iv)			An estimate of the maximum inventory of CCR ever on-site over the active life of the CCR unit.	Same		
490	(b)	(1)	(v)			An estimate of the largest area of the CCR unit ever requiring a final cover as required by paragraph (d) of this section at any time during the CCR unit's active life.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
491	(b)	(1)	(v) (vi)			A schedule for completing all activities necessary to satisfy the closure criteria in this section, including an estimate of the year in which all closure activities for the CCR unit will be completed. The schedule should provide sufficient information to describe the sequential steps that will be taken to close the CCR unit, including identification of major milestones such as coordinating with and obtaining necessary approvals and permits from other agencies, the dewatering and stabilization phases of CCR surface impoundment closure, or installation of the final cover system, and the estimated timeframes to complete each step or phase of CCR unit closure. When preparing the written closure plan, if the owner or operator of a CCR unit estimates that the time required to complete closure will exceed the timeframes specified in paragraph (f)(1) of this section, the written closure plan must include the site-specific information, factors and considerations that would support any time extension sought under paragraph (f)(2) of this section.	Same		
492	(b)	(2)	(i)			The owner or operator of an existing CCR landfill and existing CCR surface impoundment must prepare an initial written closure plan consistent with the requirements specified in paragraph (b)(1) of this section, no later than October 17, 2016.	Same		NA
493	(b)	(2)	(ii)			For new CCR landfills and new CCR surface impoundments, and any lateral expansion of a CCR unit, the owner or operator must prepare an initial written closure plan consistent with the requirements specified in paragraph (b)(1) of this section, no later than the date of the initial receipt of CCR in the CCR unit.	Same	NA	

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
494	(b)	(2)	(iii)			The owner or operator has completed the written closure plan when the plan, including the certification required by paragraph (b)(4) of this section, has been placed in the facility's operating record as required by § 257.105(i)(4).	Same		
495	(b)	(3)	(i)			The owner or operator may amend the initial or any subsequent written closure plan developed pursuant to paragraph (b)(1) of this section at any time.	Same		
496	(b)	(3)	(ii)	(A)		<i>The owner or operator must amend the written closure plan whenever:</i>	Same		
						There is a change in the operation of the CCR unit that would substantially affect the written closure plan in effect; or			
497	(b)	(3)	(ii)	(B)		Before or after closure activities have commenced, unanticipated events necessitate a revision of the written closure plan.	Same		
498	(b)	(3)	(iii)			The owner or operator must amend the closure plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the need to revise an existing written closure plan. If a written closure plan is revised after closure activities have commenced for a CCR unit, the owner or operator must amend the current closure plan no later than 30 days following the triggering event.	Same		
499	(b)	(4)				The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the initial and any amendment of requirements of this section.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
500	(c)					An owner or operator may elect to close a CCR unit by removing and decontaminating all areas affected by releases from the CCR unit. CCR removal and decontamination of the CCR unit are complete when constituent concentrations throughout the CCR unit and any areas affected by releases from the CCR unit have been removed and groundwater monitoring concentrations do not exceed the groundwater protection standard established pursuant to § 257.95(h) for constituents listed in appendix IV to this part.	Same		
501	(d)	(1)	(i)			<i>The owner or operator of a CCR unit must ensure that, at a minimum, the CCR unit is closed in a manner that will:</i>	Same		
						Control, minimize or eliminate, to the maximum extent feasible, postclosure infiltration of liquids into the waste and releases of CCR, leachate, or contaminated run-off to the ground or surface waters or to the atmosphere;			
502	(d)	(1)	(ii)			Preclude the probability of future impoundment of water, sediment, or slurry;	Same		
503	(d)	(1)	(iii)			Include measures that provide for major slope stability to prevent the sloughing or movement of the final cover system during the closure and post-closure care period;	Same		
504	(d)	(1)	(iv)			Minimize the need for further maintenance of the CCR unit; and	Same		
505	(d)	(1)	(v)			Be completed in the shortest amount of time consistent with recognized and generally accepted good engineering practices.	Same		
506	(d)	(2)	(i)			<i>The owner or operator of a CCR surface impoundment or any lateral expansion of a CCR surface impoundment must meet the requirements of paragraphs (d)(2)(i) and (ii) of this section prior to installing the final cover system required under paragraph (d)(3) of this section.</i>	Same		



						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
						Free liquids must be eliminated by removing liquid wastes or solidifying the remaining wastes and waste residues.			
507	(d)	(2)	(ii)			Remaining wastes must be stabilized sufficient to support the final cover system.	Same		
508	(d)	(3)				If a CCR unit is closed by leaving CCR in place, the owner or operator must install a final cover system that is designed to minimize infiltration and erosion, and at a minimum, meets the requirements of paragraph (d)(3)(i) of this section, or the requirements of the alternative final cover system specified in paragraph (d)(3)(ii) of this section.	Same		
509	(d)	(3)	(i)			The final cover system must be designed and constructed to meet the criteria in paragraphs (d)(3)(i)(A) through (D) of this section.	Same		
510	(d)	(3)	(i)	(A)		<i>The design of the final cover system must be included in the written closure plan required by paragraph (b) of this section.</i>	Same		
						The permeability of the final cover system must be less than or equal to the permeability of any bottom liner system or natural subsoils present, or a permeability no greater than $1 \times 10^{-5}$ cm/sec, whichever is less.			
511	(d)	(3)	(i)	(B)		The infiltration of liquids through the closed CCR unit must be minimized by the use of an infiltration layer that contains a minimum of 18 inches of earthen material.	Same		
512	(d)	(3)	(i)	(C)		The erosion of the final cover system must be minimized by the use of an erosion layer that contains a minimum of six inches of earthen material that is capable of sustaining native plant growth.	Same		
513	(d)	(3)	(i)	(D)		The disruption of the integrity of the final cover system must be minimized through a design that accommodates settling and subsidence.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
514	(d)	(3)	(ii)			The owner or operator may select an alternative final cover system design, provided the alternative final cover system is designed and constructed to meet the criteria in paragraphs (f)(3)(ii)(A) through (D) of this section.	Same		
515	(d)	(3)	(ii)	(A)		<i>The design of the final cover system must be included in the written closure plan required by paragraph (b) of this section.</i>	Same		
						The design of the final cover system must include an infiltration layer that achieves an equivalent reduction in infiltration as the infiltration layer specified in paragraphs (d)(3)(i)(A) and (B) of this section.			
516	(d)	(3)	(ii)	(B)		The design of the final cover system must include an erosion layer that provides equivalent protection from wind or water erosion as the erosion layer specified in paragraph (d)(3)(i)(C) of this section.	Same		
517	(d)	(3)	(ii)	(C)		The disruption of the integrity of the final cover system must be minimized through a design that accommodates settling and subsidence.	Same		
518	(d)	(3)	(iii)			The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the design of the final cover system meets the requirements of this section.	Same		
519	(e)					Except as provided for in paragraph (e)(4) of this section and § 257.103, the owner or operator of a CCR unit must commence closure of the CCR unit no later than the applicable timeframes specified in either paragraph (e)(1) or (2) of this section.	Same		
520	(e)	(1)	(i)			<i>The owner or operator must commence closure of the CCR unit no later than 30 days after the date on which the CCR unit either:</i>	Same		
						Receives the known final receipt of waste, either CCR or any non-CCR waste stream; or			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
521	(e)	(1)	(ii)			Removes the known final volume of CCR from the CCR unit for the purpose of beneficial use of CCR.	Same		
522	(e)	(2)	(i)			Except as provided by paragraph (e)(2)(ii) of this section, the owner or operator must commence closure of a CCR unit that has not received CCR or any non-CCR waste stream or is no longer removing CCR for the purpose of beneficial use within two years of the last receipt of waste or within two years of the last removal of CCR material for the purpose of beneficial use.	Same		
523	(e)	(2)	(ii)			Notwithstanding paragraph (e)(2)(i) of this section, the owner or operator of the CCR unit may secure an additional two years to initiate closure of the idle unit provided the owner or operator provides written documentation that the CCR unit will continue to accept wastes or will start removing CCR for the purpose of beneficial use. The documentation must be supported by, at a minimum, the information specified in paragraphs (e)(2)(ii)(A) and (B) of this section. The owner or operator may obtain two-year extensions provided the owner or operator continues to be able to demonstrate that there is reasonable likelihood that the CCR unit will accept wastes in the foreseeable future or will remove CCR from the unit for the purpose of beneficial use. The owner or operator must place each completed demonstration, if more than one time extension is sought, in the facility's operating record as required by § 257.105(i)(5) prior to the end of any two-year period.	Same		
524	(e)	(2)	(ii)	(A)		Information documenting that the CCR unit has remaining storage or disposal capacity or that the CCR unit can have CCR removed for the purpose of beneficial use; and	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
525	(e)	(2)	(ii)	(B)		Information demonstrating that that there is a reasonable likelihood that the CCR unit will resume receiving CCR or non-CCR waste streams in the foreseeable future or that CCR can be removed for the purpose of beneficial use. The narrative must include a best estimate as to when the CCR unit will resume receiving CCR or non-CCR waste streams. The situations listed in paragraphs (e)(2)(ii)(B)(1) through (4) of this section are examples of situations that would support a determination that the CCR unit will resume receiving CCR or non-CCR waste streams in the foreseeable future.	Same		
526	(e)	(2)	(ii)	(B)	(1)	Normal plant operations include periods during which the CCR unit does not receive CCR or non-CCR waste streams, such as the alternating use of two or more CCR units whereby at any point in time one CCR unit is receiving CCR while CCR is being removed from a second CCR unit after its dewatering.	Same		
527	(e)	(2)	(ii)	(B)	(2)	The CCR unit is dedicated to a coal-fired boiler unit that is temporarily idled (e.g., CCR is not being generated) and there is a reasonable likelihood that the coal-fired boiler will resume operations in the future.	Same		
528	(e)	(2)	(ii)	(B)	(3)	The CCR unit is dedicated to an operating coal-fired boiler (i.e., CCR is being generated); however, no CCR are being placed in the CCR unit because the CCR are being entirely diverted to beneficial uses, but there is a reasonable likelihood that the CCR unit will again be used in the foreseeable future.	Same		
529	(e)	(2)	(ii)	(B)	(4)	The CCR unit currently receives only non-CCR waste streams and those non-CCR waste streams are not generated for an extended period of time, but there is a reasonable likelihood that the CCR unit will again receive non-CCR waste streams in the future.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
530	(e)	(2)	(iii)			In order to obtain additional time extension(s) to initiate closure of a CCR unit beyond the two years provided by paragraph (e)(2)(i) of this section, the owner or operator of the CCR unit must include with the demonstration required by paragraph (e)(2)(ii) of this section the following statement signed by the owner or operator or an authorized representative: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.	Same		
531	(e)	(3)	(i)			<i>For purposes of this subpart, closure of the CCR unit has commenced if the owner or operator has ceased placing waste and completes any of the following actions or activities:</i>	Same		
						Taken any steps necessary to implement the written closure plan required by paragraph (b) of this section;			
532	(e)	(3)	(ii)			Submitted a completed application for any required state or agency permit or permit modification; or	Same		
533	(e)	(3)	(iii)			Taken any steps necessary to comply with any state or other agency standards that are a prerequisite, or are otherwise applicable, to initiating or completing the closure of a CCR unit.	Same		
534	(e)	(4)				The timeframes specified in paragraphs (e)(1) and (2) of this section do not apply to any of the following owners or operators:	Same		
535	(e)	(4)	(ii)			An owner or operator of an existing unlined CCR surface impoundment closing the CCR unit as required by § 257.101(a);	Same		NA

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
536	(e)	(4)	(iii)			An owner or operator of an existing CCR surface impoundment closing the CCR unit as required by § 257.101(b);	Same		NA
537	(e)	(4)	(iv)			An owner or operator of a new CCR surface impoundment closing the CCR unit as required by § 257.101(c); or	Same	NA	
538	(f) (e)	(4)	(v)			An owner or operator of an existing CCR landfill closing the CCR unit as required by § 257.101(d). (f) Completion of closure activities. (DELETE)	Same	NA	NA
539	(f)	(1)	(i)			<i>Except as provided for in paragraph (f)(2) of this section, the owner or operator must complete closure of the CCR unit:</i>	Same		
						For existing and new CCR landfills and any lateral expansion of a CCR landfill, within six months of commencing closure activities.			
540	(f)	(1)	(ii)			For existing and new CCR surface impoundments and any lateral expansion of a CCR surface impoundment, within five years of commencing closure activities.	Same		
541	(f)	(2)	(i)			The timeframes for completing closure of a CCR unit specified under paragraphs (f)(1) of this section may be extended if the owner or operator can demonstrate that it was not feasible to complete closure of the CCR unit within the required timeframes due to factors beyond the facility's control. If the owner or operator is seeking a time extension beyond the time specified in the written closure plan as required by paragraph (b)(1) of this section, the demonstration must include a narrative discussion providing the basis for additional time beyond that specified in the closure plan. The owner or operator must place each completed demonstration, if more than one time extension is sought, in the facility's operating record as required by § 257.105(i)(6) prior to the end of any two-year period.	Same		
542	(f)	(2)	(i)	(A)		<i>Factors that may support such a demonstration include:</i>	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
						Complications stemming from the climate and weather, such as unusual amounts of precipitation or a significantly shortened construction season;			
543	(f)	(2)	(i)	(B)		Time required to dewater a surface impoundment due to the volume of CCR contained in the CCR unit or the characteristics of the CCR in the unit;	Same		
544	(f)	(2)	(i)	(C)		The geology and terrain surrounding the CCR unit will affect the amount of material needed to close the CCR unit; or	Same		
545	(f)	(2)	(i)	(D)		Time required or delays caused by the need to coordinate with and obtain necessary approvals and permits from a state or other agency.	Same		
546	(f)	(2)	(ii)	(A)		CCR surface impoundments of 40 acres or smaller may extend the time to complete closure by no longer than two years.	Same		
547	(f)	(2)	(ii)	(B)		CCR surface impoundments larger than 40 acres may extend the timeframe to complete closure of the CCR unit multiple times, in two-year increments. For each two-year extension sought, the owner or operator must substantiate the factual circumstances demonstrating the need for the extension. No more than a total of five two-year extensions may be obtained for any CCR surface impoundment.	Same		
548	(f)	(2)	(ii)	(C)		CCR landfills may extend the timeframe to complete closure of the CCR unit multiple times, in one-year increments. For each one-year extension sought, the owner or operator must substantiate the factual circumstances demonstrating the need for the extension. No more than a total of two one-year extensions may be obtained for any CCR landfill.	Same	NA	NA
549	(f)	(2)	(iii)			<i>In order to obtain additional time extension(s) to complete closure of a CCR unit beyond the times provided by paragraph (f)(1) of this section, the owner or operator of the CCR unit must include with the demonstration required by paragraph (f)(2)(i) of this section the following statement signed by the owner or operator or an authorized representative:</i>	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
						I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.	Same		
550	(f)	(3)				Upon completion, the owner or operator of the CCR unit must obtain a certification from a qualified professional engineer verifying that closure has been completed in accordance with the closure plan specified in paragraph (b) of this section and the requirements of this section.	Same		
551	(g)					No later than the date the owner or operator initiates closure of a CCR unit, the owner or operator must prepare a notification of intent to close a CCR unit. The notification must include the certification by a qualified professional engineer for the design of the final cover system as required by § 257.102(d)(3)(iii), if applicable. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(7).	Same		
552	(h)					Within 30 days of completion of closure of the CCR unit, the owner or operator must prepare a notification of closure of a CCR unit. The notification must include the certification by a qualified professional engineer as required by § 257.102(f)(3). The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(8).	Same		



						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
553	(i)	(1)				Except as provided by paragraph (i)(4) of this section, following closure of a CCR unit, the owner or operator must record a notation on the deed to the property, or some other instrument that is normally examined during title search.	Same		
554	(i)	(2)	(i)			<i>The notation on the deed must in perpetuity notify any potential purchaser of the property that:</i> The land has been used as a CCR unit; and	Same		
555	(i)	(2)	(ii)			Its use is restricted under the postclosure care requirements as provided by § 257.104(d)(1)(iii).	Same		
556	(i)	(3)				Within 30 days of recording a notation on the deed to the property, the owner or operator must prepare a notification stating that the notation has been recorded. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(9).	Same		
557	(i)	(4)				An owner or operator that closes a CCR unit in accordance with paragraph (c) of this section is not subject to the requirements of paragraphs (i)(1) through (3) of this section.	Same		
558	(j)					The owner or operator of the CCR unit must comply with the closure recordkeeping requirements specified in § 257.105(i), the closure notification requirements specified in § 257.106(i), and the closure Internet requirements specified in § 257.107(i).	Same		
559	(k)	(1)	(i)			<i>To retrofit an existing CCR surface impoundment, the owner or operator must:</i> First remove all CCR, including any contaminated soils and sediments from the CCR unit; and	Same		NA

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
560	(k)	(1)	(ii)			Comply with the requirements in § 257.72.	Same		NA
561	(k)	(1)	(iii)			A CCR surface impoundment undergoing a retrofit remains subject to all other requirements of this subpart, including the requirement to conduct any necessary corrective action.	Same		NA
562	(k)	(2)	(i)			The owner or operator must prepare a written retrofit plan that describes the steps necessary to retrofit the CCR unit consistent with recognized and generally accepted good engineering practices.	Same		NA
563	(k)	(2)	(i)	(A)		<i>The written retrofit plan must include, at a minimum, all of the following information:</i>	Same		NA
						A narrative description of the specific measures that will be taken to retrofit the CCR unit in accordance with this section.			
564	(k)	(2)	(i)	(B)		A description of the procedures to remove all CCR and contaminated soils and sediments from the CCR unit.	Same		NA
565	(k)	(2)	(i)	(C)		An estimate of the maximum amount of CCR that will be removed as part of the retrofit operation.	Same		NA
566	(k)	(2)	(i)	(D)		An estimate of the largest area of the CCR unit that will be affected by the retrofit operation.	Same		NA
567	(k)	(2)	(i)	(E)		A schedule for completing all activities necessary to satisfy the retrofit criteria in this section, including an estimate of the year in which retrofit activities of the CCR unit will be completed.	Same		NA
568	(k)	(2)	(ii)	(A)		Timeframes for preparing the initial written retrofit plan. No later than 60 days prior to date of initiating retrofit activities, the owner or operator must prepare an initial written retrofit plan consistent with the requirements specified in paragraph (k)(2) of this section.	Same		NA

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
569	(k)	(2)	(ii)	(A)	(1)	<p><i>For purposes of this subpart, initiation of retrofit activities has commenced if the owner or operator has ceased placing waste in the unit and completes any of the following actions or activities:</i></p> <p>Taken any steps necessary to implement the written retrofit plan;</p>	Same		NA
570	(k)	(2)	(ii)	(A)	(2)	Submitted a completed application for any required state or agency permit or permit modification; or	Same		NA
571	(k)	(2)	(ii)	(A)	(3)	Taken any steps necessary to comply with any state or other agency standards that are a prerequisite, or are otherwise applicable, to initiating or completing the retrofit of a CCR unit.	Same		NA
572	(k)	(2)	(ii)	(B)		The owner or operator has completed the written retrofit plan when the plan, including the certification required by paragraph (k)(2)(iv) of this section, has been placed in the facility's operating record as required by § 257.105(j)(1).	Same		NA
573	(k)	(2)	(iii)	(A)		The owner or operator may amend the initial or any subsequent written retrofit plan at any time.	Same		NA
574	(k)	(2)	(iii)	(B)	(1)	<p><i>The owner or operator must amend the written retrofit plan whenever:</i></p> <p>There is a change in the operation of the CCR unit that would substantially affect the written retrofit plan in effect; or</p>	Same		NA
575	(k)	(2)	(iii)	(B)	(2)	Before or after retrofit activities have commenced, unanticipated events necessitate a revision of the written retrofit plan.	Same		NA

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
576	(k)	(2)	(iii)	(C)		The owner or operator must amend the retrofit plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the revision of an existing written retrofit plan. If a written retrofit plan is revised after retrofit activities have commenced for a CCR unit, the owner or operator must amend the current retrofit plan no later than 30 days following the triggering event.	Same		NA
577	(k)	(2)	(iv)			The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the activities outlined in the written retrofit plan, including any amendment of the plan, meet the requirements of this section.	Same		NA
578	(k)	(3)				Deadline for completion of activities related to the retrofit of a CCR unit. Any CCR surface impoundment that is being retrofitted must complete all retrofit activities within the same time frames and procedures specified for the closure of a CCR surface impoundment in § 257.102(f) or, where applicable, § 257.103.	Same		NA
579	(k)	(4)				Upon completion, the owner or operator must obtain a certification from a qualified professional engineer verifying that the retrofit activities have been completed in accordance with the retrofit plan specified in paragraph (k)(2) of this section and the requirements of this section.	Same		NA
580	(k)	(5)				No later than the date the owner or operator initiates the retrofit of a CCR unit, the owner or operator must prepare a notification of intent to retrofit a CCR unit. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(j)(5).	Same		NA

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
581	(k)	(6)				Within 30 days of completing the retrofit activities specified in paragraph (k)(1) of this section, the owner or operator must prepare a notification of completion of retrofit activities. The notification must include the certification by a qualified professional engineer as required by paragraph (k)(4) of this section. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(j)(6).	Same		NA
582	(k)	(7)				At any time after the initiation of a CCR unit retrofit, the owner or operator may cease the retrofit and initiate closure of the CCR unit in accordance with the requirements of § 257.102.	Same		NA
583	(k)	(8)				The owner or operator of the CCR unit must comply with the retrofit recordkeeping requirements specified in § 257.105(j), the retrofit notification requirements specified in § 257.106(j), and the retrofit Internet requirements specified in § 257.107(j).	Same		NA
584	§ 257.103 Alternative Closure Requirements								
585	<i>The owner of operator of the CCR unit must meet either requirement (a) and all its components or (b) and all its components, in addition to requirements (c) through (d).</i>								
586	(a)	(1)				The owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit that is subject to closure pursuant to § 257.101(a), (b)(1), or (d) may continue to receive CCR in the unit provided the owner or operator meets the requirements of either paragraph (a) or (b) of this section. Notwithstanding the provisions of § 257.101(a), (b)(1), or (d), a CCR unit may continue to receive CCR if the owner or operator of the CCR unit certifies that the CCR must continue to be managed in that CCR unit due to the absence of alternative disposal capacity both on-site and off-site of the facility.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
587	(a)	(1)	(i)			<i>To qualify under this paragraph (a)(1), the owner or operator of the CCR unit must document that all of the following conditions have been met:</i>	Same		
						No alternative disposal capacity is available on-site or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this section;			
588	(a)	(1)	(ii)			The owner or operator has made, and continues to make, efforts to obtain additional capacity. Qualification under this subsection lasts only as long as no alternative capacity is available. Once alternative capacity is identified, the owner or operator must arrange to use such capacity as soon as feasible;	Same		
589	(a)	(1)	(iii)			The owner or operator must remain in compliance with all other requirements of this subpart, including the requirement to conduct any necessary corrective action; and	Same		
590	(a)	(1)	(iv)			The owner or operator must prepare an annual progress report documenting the continued lack of alternative capacity and the progress towards the development of alternative CCR disposal capacity.	Same		
591	(a)	(2)				Once alternative capacity is available, the CCR unit must cease receiving CCR and initiate closure following the timeframes in § 257.102(e) and (f).	Same		
592	(a)	(3)				If no alternative capacity is identified within five years after the initial certification, the CCR unit must cease receiving CCR and close in accordance with the timeframes in § 257.102(e) and (f).	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
593	(b)	(1)				Notwithstanding the provisions of § 257.101(a), (b)(1), and (d), a CCR unit may continue to receive CCR if the owner or operator certifies that the facility will cease operation of the coal-fired boilers within the timeframes specified in paragraphs (b)(2) through (4) of this section, but in the interim period (prior to closure of the coal-fired boiler), the facility must continue to use the CCR unit due to the absence of alternative disposal capacity both onsite and off-site of the facility.	Same		
594	(b)	(1)	(i)			<i>To qualify under this paragraph (b)(1), the owner or operator of the CCR unit must document that all of the following conditions have been met:</i>	Same		
						No alternative disposal capacity is available on-site or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this section.			
595	(b)	(1)	(ii)			The owner or operator must remain in compliance with all other requirements of this subpart, including the requirement to conduct any necessary corrective action; and	Same		
596	(b)	(1)	(iii)			The owner or operator must prepare an annual progress report documenting the continued lack of alternative capacity and the progress towards the closure of the coal-fired boiler.	Same		
597	(b)	(2)				For a CCR surface impoundment that is 40 acres or smaller, the coal-fired boiler must cease operation and the CCR surface impoundment must have completed closure no later than October 17, 2023.	Same		
598	(b)	(3)				For a CCR surface impoundment that is larger than 40 acres, the coal-fired boiler must cease operation, and the CCR surface impoundment must complete closure no later than October 17, 2028.	Same		
599	(b)	(4)				For a CCR landfill, the coal-fired boiler must cease operation, and the CCR landfill must complete closure no later than April 19, 2021.	Same	NA	NA

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
600	(c)	(1)				Required notices and progress reports. An owner or operator of a CCR unit that closes in accordance with paragraphs (a) or (b) of this section must complete the notices and progress reports specified in paragraphs (c)(1) through (3) of this section. Within six months of becoming subject to closure pursuant to § 257.101(a), (b)(1), or (d), the owner or operator must prepare and place in the facility's operating record a notification of intent to comply with the alternative closure requirements of this section. The notification must describe why the CCR unit qualifies for the alternative closure provisions under either paragraph (a) or (b) of this section, in addition to providing the documentation and certifications required by paragraph (a) or (b) of this section.	Same		
601	(c)	(2)				The owner or operator must prepare the periodic progress reports required by paragraphs (a)(1)(iv) or (b)(1)(iii), in addition to describing any problems encountered and a description of the actions taken to resolve the problems.	Same		
602	(c)	(2)	(i)			<i>The annual progress reports must be completed according to the following schedule:</i>	Same		
						The first annual progress report must be prepared no later than 13 months after completing the notification of intent to comply with the alternative closure requirements required by paragraph (c)(1) of this section.			
603	(c)	(2)	(ii)			The second annual progress report must be prepared no later than 12 months after completing the first annual progress report. Additional annual progress reports must be prepared within 12 months of completing the previous annual progress report.	Same		



						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
604	(c)	(2)	(iii)			The owner or operator has completed the progress reports specified in paragraph (c)(2) of this section when the reports are placed in the facility's operating record as required by § 257.105(i)(10).	Same		
605	(c)	(3)				An owner or operator of a CCR unit must also prepare the notification of intent to close a CCR unit as required by § 257.102(g).	Same		
606	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(i), the notification requirements specified in § 257.106(i), and the Internet requirements specified in § 257.107(i).	Same		
							<p><b>Rule 391-3-4-.10(7)</b></p> <p>(c) The owner or operator must close the CCR unit in accordance with the written closure plan.</p> <p>(d) A notice of intent to close must be provided to the Director after receipt of the final load of waste.</p> <p>(e) Upon completion of closure activities, a professional engineer registered in Georgia shall prepare and submit a closure report to the Director. The closure report must be completed on forms provided by the Division. If the Director concurs with the closure report, closure will be deemed complete and the facility may begin the post-closure care period.</p> <p>(f) Concurrent with the submission of this closure report to the Director, the owner or operator must submit confirmation to the Director that a notation on the property deed has been recorded. This recording must in perpetuity notify any potential purchaser of the property that the land has been used as a CCR unit and that its use is restricted under the post closure care requirements of this Rule.</p>		
607	§ 257.104 Post-Closure Care Requirements								

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
608	The owner of operator of the CCR unit must meet all the requirements (a) through (f) and all their components.								
609	(a)	(1)				Except as provided by paragraph (a)(2) of this section, §257.104 applies to the owners or operators of CCR landfills, CCR surface impoundments, and all lateral expansions of CCR units that are subject to the closure criteria under §257.102.	Same		
610	(a)	(2)				An owner or operator of a CCR unit that elects to close a CCR unit by removing CCR as provided by § 257.102(c) is not subject to the postclosure care criteria under this section.	Same		
611	(b)	(1)				Following closure of the CCR unit, the owner or operator must conduct post-closure care for the CCR unit, which must consist of at least the following:	Same		
						Maintaining the integrity and effectiveness of the final cover system, including making repairs to the final cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cover;			
612	(b)	(2)				If the CCR unit is subject to the design criteria under § 257.70, maintaining the integrity and effectiveness of the leachate collection and removal system and operating the leachate collection and removal system in accordance with the requirements of § 257.70; and	Same		
613	(b)	(3)				Maintaining the groundwater monitoring system and monitoring the groundwater in accordance with the requirements of §§ 257.90 through 257.98.	Same		
614	(c)	(1)				Except as provided by paragraph (c)(2) of this section, the owner or operator of the CCR unit must conduct post-closure care for 30 years.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
615	(c)	(2)				If at the end of the post-closure care period the owner or operator of the CCR unit is operating under assessment monitoring in accordance with § 257.95, the owner or operator must continue to conduct post-closure care until the owner or operator returns to detection monitoring in accordance with § 257.95.	Same		
616	(d)	(1)	(i)			<i>The owner or operator of a CCR unit must prepare a written post-closure plan that includes, at a minimum, the information specified in paragraphs (d)(1)(i) through (iii) of this section.</i>	Same		
						A description of the monitoring and maintenance activities required in paragraph (b) of this section for the CCR unit, and the frequency at which these activities will be performed;			
617	(d)	(1)	(ii)			The name, address, telephone number, and email address of the person or office to contact about the facility during the post-closure care period; and	Same		
618	(d)	(1)	(iii)			Post-closure use of the property shall not disturb the integrity of the final cover, liner(s), or any other component of the containment system, or the function of the monitoring systems unless necessary to comply with the requirements in this subpart. Any other disturbance is allowed if the owner or operator of the CCR unit demonstrates that disturbance of the final cover, liner, or other component of the containment system, including any removal of CCR, will not increase the potential threat to human health or the environment. The demonstration must be certified by a qualified professional engineer, and notification shall be provided to the State Director that the demonstration has been placed in the operating record and on the owners or operator's publicly accessible Internet site.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
619	(d)	(2)	(i)			The owner or operator of an existing CCR landfill and existing CCR surface impoundment must prepare an initial written post-closure plan consistent with the requirements specified in paragraph (d)(1) of this section no later than October 17, 2016.	Same		
620	(d)	(2)	(ii)			The owner or operator of a new CCR landfill, new CCR surface impoundment, and any lateral expansion of a CCR unit must prepare an initial written postclosure plan consistent with the requirements specified in paragraph (d)(1) of this section no later than the date of the initial receipt of CCR in the CCR unit.	Same		
621	(d)	(2)	(iii)			The owner or operator has completed the written post-closure plan when the plan, including the certification required by paragraph (d)(4) of this section, has been placed in the facility's operating record as required by § 257.105(i)(4).	Same		
622	(d)	(3)	(i)			The owner or operator may amend the initial or any subsequent written post-closure plan developed pursuant to paragraph (d)(1) of this section at any time.	Same		
623	(d)	(3)	(ii)	(A)		<i>The owner or operator must amend the written closure plan whenever:</i>	Same		
						There is a change in the operation of the CCR unit that would substantially affect the written post-closure plan in effect; or			
624	(d)	(3)	(ii)	(B)		After post-closure activities have commenced, unanticipated events necessitate a revision of the written post-closure plan.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
625	(d)	(3)	(iii)			The owner or operator must amend the written post-closure plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the need to revise an existing written post-closure plan. If a written post-closure plan is revised after post-closure activities have commenced for a CCR unit, the owner or operator must amend the written post-closure plan no later than 30 days following the triggering event.	Same		
626	(d)	(4)				The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the initial and any amendment of the written post-closure plan meets the requirements of this section.	Same		
627	(e)					Notification of completion of postclosure care period. No later than 60 days following the completion of the post-closure care period, the owner or operator of the CCR unit must prepare a notification verifying that post-closure care has been completed. The notification must include the certification by a qualified professional engineer verifying that post-closure care has been completed in accordance with the closure plan specified in paragraph (d) of this section and the requirements of this section. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(13).	Same		
628	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(i), the notification requirements specified in § 257.106(i), and the Internet requirements specified in § 257.107(i).	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
							<p>Rule 391-3-4-.10(7) (g) Post-Closure care for existing, new, and lateral expansions of CCR units shall be conducted in accordance with 40 CFR 257.104 with the following exception and additions:</p> <p>1. An owner or operator of an inactive surface impoundment that elects to close a CCR unit pursuant to the requirements under 40 CFR 257.100(b) is subject to the post- closure care criteria in 40 CFR 257.104.</p> <p>2. CCR units must comply with the conditions of the solid waste handling permit.</p> <p>3. The release of CCR units from post-closure care must be approved by the Division.</p>		
629	§ 257.105 Recordkeeping Requirements								
630	The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.								
631	(a)					Each owner or operator of a CCR unit subject to the requirements of this subpart must maintain files of all information required by this section in a written operating record at their facility.	Same		
632	(b)					Unless specified otherwise, each file must be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, record, or study.	Same		
633	(c)					An owner or operator of more than one CCR unit subject to the provisions of this subpart may comply with the requirements of this section in one recordkeeping system provided the system identifies each file by the name of each CCR unit. The files may be maintained on microfilm, on a computer, on computer disks, on a storage system accessible by a computer, on magnetic tape disks, or on microfiche.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
634	(d)					The owner or operator of a CCR unit must submit to the State Director and/or appropriate Tribal authority any demonstration or documentation required by this subpart, if requested, when such information is not otherwise available on the owner or operator's publicly accessible Internet site.	Same		
635	(e)					The owner or operator of a CCR unit subject to this subpart must place the demonstrations documenting whether or not the CCR unit is in compliance with the requirements under §§ 257.60(a), 257.61(a), 257.62(a), 257.63(a), and 257.64(a), as it becomes available, in the facility's operating record.	Same		
636	(f)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following the facility's operating record:</i>	Same		
						The design and construction certifications as required by § 257.70(e) and (f).			
637	(f)	(2)				The documentation of liner type as required by § 257.71(a).	Same		
638	(f)	(3)				The design and construction certifications as required by § 257.72(c) and (d).	Same		
639	(f)	(4)				Documentation prepared by the owner or operator stating that the permanent identification marker was installed as required by §§ 257.73(a)(1) and 257.74(a)(1).	Same		
640	(f)	(5)				The initial and periodic hazard potential classification assessments as required by §§ 257.73(a)(2) and 257.74(a)(2).	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
641	(f)	(6)				The emergency action plan (EAP), and any amendment of the EAP, as required by §§ 257.73(a)(3) and 257.74(a)(3), except that only the most recent EAP must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.	Same		
642	(f)	(7)				Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders as required by §§ 257.73(a)(3)(i)(E) and 257.74(a)(3)(i)(E).	Same		
643	(f)	(8)				Documentation prepared by the owner or operator recording all activations of the emergency action plan as required by §§ 257.73(a)(3)(v) and 257.74(a)(3)(v).	Same		
644	(f)	(9)				The history of construction, and any revisions of it, as required by § 257.73(c), except that these files must be maintained until the CCR unit completes closure of the unit in accordance with § 257.102.	Same		
645	(f)	(10)				The initial and periodic structural stability assessments as required by §§ 257.73(d) and 257.74(d).	Same		
646	(f)	(11)				Documentation detailing the corrective measures taken to remedy the deficiency or release as required by §§ 257.73(d)(2) and 257.74(d)(2).	Same		
647	(f)	(12)				The initial and periodic safety factor assessments as required by §§ 257.73(e) and 257.74(e).	Same		
648	(f)	(13)				The design and construction plans, and any revisions of it, as required by § 257.74(c), except that these files must be maintained until the CCR unit completes closure of the unit in accordance with § 257.102.	Same		



						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
649	(g)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:</i>	Same		
						The CCR fugitive dust control plan, and any subsequent amendment of the plan, required by § 257.80(b), except that only the most recent control plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			
650	(g)	(2)				The annual CCR fugitive dust control report required by § 257.80(c).	Same		
651	(g)	(3)				The initial and periodic run-on and run-off control system plans as required by § 257.81(c).	Same		
652	(g)	(4)				The initial and periodic inflow design flood control system plan as required by § 257.82(c).	Same		
653	(g)	(5)				Documentation recording the results of each inspection and instrumentation monitoring by a qualified person as required by § 257.83(a).	Same		
654	(g)	(6)				The periodic inspection report as required by § 257.83(b)(2).	Same		
655	(g)	(7)				Documentation detailing the corrective measures taken to remedy the deficiency or release as required by §§ 257.83(b)(5) and 257.84(b)(5).	Same		
656	(g)	(8)				Documentation recording the results of the weekly inspection by a qualified person as required by § 257.84(a).	Same		
657	(g)	(9)				The periodic inspection report as required by § 257.84(b)(2).	Same		
658	(h)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:</i>	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
						The annual groundwater monitoring and corrective action report as required by § 257.90(e).			
659	(h)	(2)				Documentation of the design, installation, development, and decommissioning of any monitoring wells, piezometers and other measurement, sampling, and analytical devices as required by § 257.91(e)(1).	Same		
660	(h)	(3)				The groundwater monitoring system certification as required by § 257.91(f).	Same		
661	(h)	(4)				The selection of a statistical method certification as required by § 257.93(f)(6).	Same		
662	(h)	(5)				Within 30 days of establishing an assessment monitoring program, the notification as required by § 257.94(e)(3).	Same		
663	(h)	(6)				The results of appendices III and IV to this part constituent concentrations as required by § 257.95(d)(1).	Same		
664	(h)	(7)				Within 30 days of returning to a detection monitoring program, the notification as required by § 257.95(e).	Same		
665	(h)	(8)				Within 30 days of detecting one or more constituents in appendix IV to this part at statistically significant levels above the groundwater protection standard, the notifications as required by § 257.95(g).	Same		
666	(h)	(9)				Within 30 days of initiating the assessment of corrective measures requirements, the notification as required by § 257.95(g)(5).	Same		
667	(h)	(10)				The completed assessment of corrective measures as required by § 257.96(d).	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
668	(h)	(11)				Documentation prepared by the owner or operator recording the public meeting for the corrective measures assessment as required by § 257.96(e).	Same		
669	(h)	(12)				The semiannual report describing the progress in selecting and designing the remedy and the selection of remedy report as required by § 257.97(a), except that the selection of remedy report must be maintained until the remedy has been completed.	Same		
670	(h)	(13)				Within 30 days of completing the remedy, the notification as required by § 257.98(e).	Same		
671	(i)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:</i>	Same		
						The notification of intent to initiate closure of the CCR unit as required by § 257.100(c)(1).			
672	(i)	(2)				The annual progress reports of closure implementation as required by § 257.100(c)(2)(i) and (ii).	Same		
673	(i)	(3)				The notification of closure completion as required by § 257.100(c)(3).	Same		
674	(i)	(4)				The written closure plan, and any amendment of the plan, as required by § 257.102(b), except that only the most recent closure plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.	Same		
675	(i)	(5)				The written demonstration(s), including the certification required by § 257.102(e)(2)(iii), for a time extension for initiating closure as required by § 257.102(e)(2)(ii).	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
676	(i)	(6)				The written demonstration(s), including the certification required by § 257.102(f)(2)(iii), for a time extension for completing closure as required by § 257.102(f)(2)(i).	Same		
677	(i)	(7)				The notification of intent to close a CCR unit as required by § 257.102(g).	Same		
678	(i)	(8)				The notification of completion of closure of a CCR unit as required by § 257.102(h).	Same		
679	(i)	(9)				The notification recording a notation on the deed as required by § 257.102(i).	Same		
680	(i)	(10)				The notification of intent to comply with the alternative closure requirements as required by § 257.103(c)(1).	Same		
681	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.103(c)(2).	Same		
682	(i)	(12)				The written post-closure plan, and any amendment of the plan, as required by § 257.104(d), except that only the most recent closure plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.	Same		
683	(i)	(13)				The notification of completion of post-closure care period as required by § 257.104(e).	Same		
684	(j)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:</i>	Same		
						The written retrofit plan, and any amendment of the plan, as required by § 257.102(k)(2), except that only the most recent retrofit plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
685	(j)	(2)				The notification of intent that the retrofit activities will proceed in accordance with the alternative procedures in § 257.103.	Same		
686	(j)	(3)				The annual progress reports required under the alternative requirements as required by § 257.103.	Same		
687	(j)	(4)				The written demonstration(s), including the certification in § 257.102(f)(2)(iii), for a time extension for completing retrofit activities as required by § 257.102(k)(3).	Same		
688	(j)	(5)				The notification of intent to initiate retrofit of a CCR unit as required by § 257.102(k)(5).	Same		
689	(j)	(6)				The notification of completion of retrofit activities as required by § 257.102(k)(6).	Same		
							Rule 391-3-4-.10(8)  (a) The requirements of 40 CFR 257.105, 40 CFR 257.106, and 40 CFR 257.107 are incorporated by reference with the following addition:  1. Electronic mail sent to a designated EPD recipient is an authorized form of notification when approved by EPD.		
690	§ 257.106 Notification Requirements								
691	The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.								

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
692	(a)					The notifications required under paragraphs (e) through (i) of this section must be sent to the relevant State Director and/or appropriate Tribal authority before the close of business on the day the notification is required to be completed. For purposes of this section, before the close of business means the notification must be postmarked or sent by electronic mail (email). If a notification deadline falls on a weekend or federal holiday, the notification deadline is automatically extended to the next business day.	Same		
693	(b)					If any CCR unit is located in its entirety within Indian Country, the notifications of this section must be sent to the appropriate Tribal authority. If any CCR unit is located in part within Indian Country, the notifications of this section must be sent both to the appropriate State Director and Tribal authority.	Same		
694	(c)					Notifications may be combined as long as the deadline requirement for each notification is met.	Same		
695	(d)					Unless otherwise required in this section, the notifications specified in this section must be sent to the State Director and/or appropriate Tribal authority within 30 days of placing in the operating record the information required by § 257.105.	Same		
696	(e)					Location restrictions. The owner or operator of a CCR unit subject to the requirements of this subpart must notify the State Director and/or appropriate Tribal authority that each demonstration specified under § 257.105(e) has been placed in the operating record and on the owner or operator's publicly accessible internet site.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
697	(f)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible internet site.	Same		
698	(f)	(1)				<i>The owner or operator must:</i>	Same		
						Within 60 days of commencing construction of a new CCR unit, provide notification of the availability of the design certification specified under § 257.105(f)(1) or (3). If the owner or operator of the CCR unit elects to install an alternative composite liner, the owner or operator must also submit to the State Director and/or appropriate Tribal authority a copy of the alternative composite liner design.			
699	(f)	(2)				No later than the date of initial receipt of CCR by a new CCR unit, provide notification of the availability of the construction certification specified under § 257.105(f)(1) or (3).	Same		
700	(f)	(3)				Provide notification of the availability of the documentation of liner type specified under § 257.105(f)(2).	Same		
701	(f)	(4)				Provide notification of the availability of the initial and periodic hazard potential classification assessments specified under § 257.105(f)(5).	Same		
702	(f)	(5)				Provide notification of the availability of emergency action plan (EAP), and any revisions of the EAP, specified under § 257.105(f)(6).	Same		
703	(f)	(6)				Provide notification of the availability of documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders specified under § 257.105(f)(7).	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
704	(f)	(7)				Provide notification of documentation prepared by the owner or operator recording all activations of the emergency action plan specified under § 257.105(f)(8).	Same		
705	(f)	(8)				Provide notification of the availability of the history of construction, and any revision of it, specified under § 257.105(f)(9).	Same		
706	(f)	(9)				Provide notification of the availability of the initial and periodic structural stability assessments specified under § 257.105(f)(10).	Same		
707	(f)	(10)				Provide notification of the availability of the documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(f)(11).	Same		
708	(f)	(11)				Provide notification of the availability of the initial and periodic safety factor assessments specified under § 257.105(f)(12).	Same		
709	(f)	(12)				Provide notification of the availability of the design and construction plans, and any revision of them, specified under § 257.105(f)(13).	Same		
710	(g)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible internet site.	Same		
711	(g)	(1)				<i>The owner or operator must:</i>	Same		
						Provide notification of the availability of the CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under § 257.105(g)(1).			
712	(g)	(2)				Provide notification of the availability of the annual CCR fugitive dust control report specified under § 257.105(g)(2).	Same		
713	(g)	(3)				Provide notification of the availability of the initial and periodic run-on and run-off control system plans specified under § 257.105(g)(3).	Same		



						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
714	(g)	(4)				Provide notification of the availability of the initial and periodic inflow design flood control system plans specified under § 257.105(g)(4).	Same		
715	(g)	(5)				Provide notification of the availability of the periodic inspection reports specified under § 257.105(g)(6).	Same		
716	(g)	(6)				Provide notification of the availability of the documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(g)(7).	Same		
717	(g)	(7)				Provide notification of the availability of the periodic inspection reports specified under § 257.105(g)(9).	Same		
718	(h)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible internet site.	Same		
719	(h)	(1)				<i>The owner or operator must:</i>	Same		
						Provide notification of the availability of the annual groundwater specified under § 257.105(h)(1).			
720	(h)	(2)				Provide notification of the availability of the groundwater monitoring system certification specified under § 257.105(h)(3).	Same		
721	(h)	(3)				Provide notification of the availability of the selection of a statistical method certification specified under § 257.105(h)(4).	Same		
722	(h)	(4)				Provide notification that an assessment monitoring programs has been established specified under § 257.105(h)(5).	Same		
723	(h)	(5)				Provide notification that the CCR unit is returning to a detection monitoring program specified under § 257.105(h)(7).	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
724	(h)	(6)				Provide notification that one or more constituents in appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under § 257.105(h)(8).	Same		
725	(h)	(7)				Provide notification that an assessment of corrective measures has been initiated specified under § 257.105(h)(9).	Same		
726	(h)	(8)				Provide notification of the availability of assessment of corrective measures specified under § 257.105(h)(10).	Same		
727	(h)	(9)				Provide notification of the availability of the semiannual report describing the progress in selecting and designing the remedy and the selection of remedy report specified under § 257.105(h)(12).	Same		
728	(h)	(10)				Provide notification of the completion of the remedy specified under § 257.105(h)(13).	Same		
729	(i)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible Internet site.	Same		
730	(i)	(1)				<i>The owner or operator must:</i>	Same		
						Provide notification of the intent to initiate closure of the CCR unit specified under § 257.105(i)(1).			
731	(i)	(2)				Provide notification of the availability of the annual progress reports of closure implementation specified under § 257.105(i)(2).	Same		
732	(i)	(3)				Provide notification of closure completion specified under § 257.105(i)(3).	Same		
733	(i)	(4)				Provide notification of the availability of the written closure plan, and any amendment of the plan, specified under § 257.105(i)(4).	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
734	(i)	(5)				Provide notification of the availability of the demonstration(s) for a time extension for initiating closure specified under § 257.105(i)(5).	Same		
735	(i)	(6)				Provide notification of the availability of the demonstration(s) for a time extension for completing closure specified under § 257.105(i)(6).	Same		
736	(i)	(7)				Provide notification of intent to close a CCR unit specified under § 257.105(i)(7).	Same		
737	(i)	(8)				Provide notification of completion of closure of a CCR unit specified under § 257.105(i)(8).	Same		
738	(i)	(9)				Provide notification of the deed notation as required by § 257.105(i)(9).	Same		
739	(i)	(10)				Provide notification of intent to comply with the alternative closure requirements specified under § 257.105(i)(10).	Same		
740	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.105(i)(11).	Same		
741	(i)	(12)				Provide notification of the availability of the written post-closure plan, and any amendment of the plan, specified under § 257.105(i)(12).	Same		
742	(i)	(13)				Provide notification of completion of post-closure care specified under § 257.105(i)(13).	Same		
743	(j)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible Internet site.	Same		
744	(j)	(1)				<i>The owner or operator must:</i>	Same		
						Provide notification of the availability of the written retrofit plan, and any amendment of the plan, specified under § 257.105(j)(1).			

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
745	(j)	(2)				Provide notification of intent to comply with the alternative retrofit requirements specified under § 257.105(j)(2).	Same		
746	(j)	(3)				The annual progress reports under the alternative retrofit requirements as required by § 257.105(j)(3).	Same		
747	(j)	(4)				Provide notification of the availability of the demonstration(s) for a time extension for completing retrofit activities specified under § 257.105(j)(4).	Same		
748	(j)	(5)				Provide notification of intent to initiate retrofit of a CCR unit specified under § 257.105(j)(5).	Same		
749	(j)	(6)				Provide notification of completion of retrofit activities specified under § 257.105(j)(6).	Same		
750	§ 257.107 Publicly Accessible Internet Site Requirements								
751	The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.								
752	(a)					Each owner or operator of a CCR unit subject to the requirements of this subpart must maintain a publicly accessible Internet site (CCR Web site) containing the information specified in this section. The owner or operator's Web site must be titled "CCR Rule Compliance Data and Information."	Same		
753	(b)					An owner or operator of more than one CCR unit subject to the provisions of this subpart may comply with the requirements of this section by using the same Internet site for multiple CCR units provided the CCR Web site clearly delineates information by the name or identification number of each unit.	Same		
754	(c)					Unless otherwise required in this section, the information required to be posted to the CCR Web site must be made available to the public for at least five years following the date on which the information was first posted to the CCR Web site.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
755	(d)					Unless otherwise required in this section, the information must be posted to the CCR Web site within 30 days of placing the pertinent information required by § 257.105 in the operating record.	Same		
756	(e)					Location restrictions. The owner or operator of a CCR unit subject to this subpart must place each demonstration specified under § 257.105(e) on the owner or operator's CCR Web site.	Same		
757	(f)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Same		
						Within 60 days of commencing construction of a new unit, the design certification specified under § 257.105(f)(1) or (3).			
758	(f)	(2)				No later than the date of initial receipt of CCR by a new CCR unit, the construction certification specified under § 257.105(f)(1) or (3).	Same		
759	(f)	(3)				The documentation of liner type specified under § 257.105(f)(2).	Same		
760	(f)	(4)				The initial and periodic hazard potential classification assessments specified under § 257.105(f)(5).	Same		
761	(f)	(5)				The emergency action plan (EAP) specified under § 257.105(f)(6), except that only the most recent EAP must be maintained on the CCR Web site irrespective of the time requirement specified in paragraph (c) of this section.	Same		
762	(f)	(6)				Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders specified under § 257.105(f)(7).	Same		
763	(f)	(7)				Documentation prepared by the owner or operator recording any activation of the emergency action plan specified under § 257.105(f)(8).	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
764	(f)	(8)				The history of construction, and any revisions of it, specified under § 257.105(f)(9).	Same		
765	(f)	(9)				The initial and periodic structural stability assessments specified under § 257.105(f)(10).	Same		
766	(f)	(10)				The documentation detailing the corrective measures taken to remedy the § 257.105(f)(11).	Same		
767	(f)	(11)				The initial and periodic safety factor assessments specified under § 257.105(f)(12).	Same		
768	(f)	(12)				The design and construction plans, and any revisions of them, specified under § 257.105(f)(13).	Same		
769	(g)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Same		
						The CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under § 257.105(g)(1) except that only the most recent plan must be maintained on the CCR Web site irrespective of the time requirement specified in paragraph (c) of this section.			
770	(g)	(2)				The annual CCR fugitive dust control report specified under § 257.105(g)(2).	Same		
771	(g)	(3)				The initial and periodic run-on and run-off control system plans specified under § 257.105(g)(3).	Same		
772	(g)	(4)				The initial and periodic inflow design flood control system plans specified under § 257.105(g)(4).	Same		
773	(g)	(5)				The periodic inspection reports specified under § 257.105(g)(6).	Same		
774	(g)	(6)				The documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(g)(7).	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
775	(g)	(7)				The periodic inspection reports specified under § 257.105(g)(9).	Same		
776	(h)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Same		
						The annual groundwater monitoring and corrective action report specified under § 257.105(h)(1).			
777	(h)	(2)				The groundwater monitoring system certification specified under § 257.105(h)(3).	Same		
778	(h)	(3)				The selection of a statistical method certification specified under § 257.105(h)(4).	Same		
779	(h)	(4)				The notification that an assessment monitoring programs has been established specified under § 257.105(h)(5).	Same		
780	(h)	(5)				The notification that the CCR unit is returning to a detection monitoring program specified under § 257.105(h)(7).	Same		
781	(h)	(6)				The notification that one or more constituents in appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under § 257.105(h)(8).	Same		
782	(h)	(7)				The notification that an assessment of corrective measures has been initiated specified under § 257.105(h)(9).	Same		
783	(h)	(8)				The assessment of corrective measures specified under § 257.105(h)(10).	Same		
784	(h)	(9)				The semiannual reports describing the progress in selecting and designing remedy and the selection of remedy report specified under § 257.105(h)(12), except that the selection of the remedy report must be maintained until the remedy has been completed.	Same		

						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
785	(h)	(10)				The notification that the remedy has been completed specified under § 257.105(h)(13).	Same		
786	(i)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Same		
						The notification of intent to initiate closure of the CCR unit specified under § 257.105(i)(1).			
787	(i)	(2)				The annual progress reports of closure implementation specified under § 257.105(i)(2).	Same		
788	(i)	(3)				The notification of closure completion specified under § 257.105(i)(3).	Same		
789	(i)	(4)				The written closure plan, and any amendment of the plan, specified under § 257.105(i)(4).	Same		
790	(i)	(5)				The demonstration(s) for a time extension for initiating closure specified under § 257.105(i)(5).	Same		
791	(i)	(6)				The demonstration(s) for a time extension for completing closure specified under § 257.105(i)(6).	Same		
792	(i)	(7)				The notification of intent to close a CCR unit specified under § 257.105(i)(7).	Same		
793	(i)	(8)				The notification of completion of closure of a CCR unit specified under § 257.105(i)(8).	Same		
794	(i)	(9)				The notification recording a notation on the deed as required by § 257.105(i)(9).	Same		
795	(i)	(10)				The notification of intent to comply with the alternative closure requirements as required by § 257.105(i)(10).	Same		
796	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.105(i)(11).	Same		



						Existing and New CCR Surface Impoundments and All Lateral Expansions of CCR Surface Impoundments			
Row #	Para-graph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
797	(i)	(12)				The written post-closure plan, and any amendment of the plan, specified under § 257.105(i)(12).	Same		
798	(i)	(13)				The notification of completion of post-closure care specified under § 257.105(i)(13).	Same		
799	(j)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Same		
						The written retrofit plan, and any amendment of the plan, specified under § 257.105(j)(1).			
800	(j)	(2)				The notification of intent to comply with the alternative retrofit requirements as required by § 257.105(j)(2).	Same		
801	(j)	(3)				The annual progress reports under the alternative retrofit requirements as required by § 257.105(j)(3).	Same		
802	(j)	(4)				The demonstration(s) for a time extension for completing retrofit activities specified under § 257.105(j)(4).	Same		
803	(j)	(5)				The notification of intent to retrofit a CCR unit specified under § 257.105(j)(5). The notification of completion of retrofit activities specified under § 257.105(j)(6).	Same		
804	(j)	(6)					Same		

## Chapter 1 – Permit Program Application Checklist

This chapter contains a checklist of the materials EPA believes would constitute a “complete” CCR permit program application. EPA has developed this checklist to provide the states a quick reference to aid them in developing their CCR permit program application. These materials were discussed in detail in Chapter 2 of this document.

As explained previously, EPA encourages States who are or may be considering submitting a CCR permit program to EPA for approval to consult with EPA early in the process. Such consultations will enable EPA and the State to work through areas where the State program may be different from the federal CCR regulation. EPA intends to provide as much flexibility to the State programs as possible, consistent with the WIIN Act’s standard for approval of State programs of “as protective as” the federal CCR rule.

<b>CCR Permit Program Application Checklist</b>		
Row	Requirement	Notes (Complete? If N, why?)
1	Basic Application Packet Components	
2	Signed Transmittal letter	
3	A Narrative Description of the permit program	
4	Legal Certification	
5	Copies of all applicable State statutes, regulations, and guidance	
6	257 Checklist	
7	Narrative Description Components	
8	An explanation of the jurisdiction and responsibilities of all State agencies and local agencies implementing the permit program	
9	An explanation of how the State will ensure existing and new facilities are permitted or otherwise approved and in compliance with either 40 CFR part 257 or other State criteria	
10	A demonstration that the State meets permitting requirements, requirements for compliance monitoring authority, requirements for enforcement authority, and intervention in civil enforcement proceedings section	
11	A description of the State's public participation procedures as specified in the permitting requirements section	
12	State Legal Certification	
13	Signed Certification from Attorney General or independent legal counsel for the State that has full authority to independently represent the lead State agency in court on all matters pertaining to the State program	
14	Permitting Requirements	
15	State Law requires that documents for permit determinations are made available for public review and comment and final determinations on permit applications are made known to the public	
16	State procedures that ensure public comments are considered	

<b>CCR Permit Program Application Checklist</b>		
Row	Requirement	Notes (Complete? If N, why?)
17	State description on public participation procedures for permit issuance and post-permit actions	
18	State law should require that all CCR units permits shall incorporate that States have the authority to impose requirements for CCR units adequate to ensure compliance with either 40 CFR part 257 subpart D or such other State criteria that has been determined and approved by the Regional Administrator to be at least as protective as 40 CFR part 257.	
19	Requirements for Compliance Monitoring Authority	
20	The State should have the authority to: (1) Obtain any and all information necessary, including records and reports, from an owner or operator of a CCR unit, to determine whether the owner or operator is in compliance with the State requirements; (2) Conduct monitoring or testing to ensure that owners and operators are in compliance with the State requirements; and (3) Enter any site or premise subject to the permit program or in which records relevant to the operation of the CCR unit or activities are kept.	
21	State should demonstrate that its compliance monitoring program provides for inspections adequate to determine compliance with the approved program	

<b>CCR Permit Program Application Checklist</b>		
Row	Requirement	Notes (Complete? If N, why?)
22	A State should demonstrate that its compliance monitoring program provides processes to: (1) Verify the accuracy of information submitted by owners or operators of the CCR unit; (2) Verify the adequacy of methods (including sampling) used by owners or operators in developing that information; (3) Produce evidence admissible in an enforcement proceeding; and (4) Receive and ensure proper consideration of information submitted by the public	
23	<b>Requirements for Enforcement Authority</b>	
24	A State should have the authority to restrain immediately and effectively any person by administrative or court order or by suit in a court of competent jurisdiction from engaging in any activity which may endanger or cause damage to human health or the environment	
25	A State should have the authority to sue in a court of competent jurisdiction to enjoin any threatened or continuing activity which violates any statute, regulation, order, or permit which is part of or issued pursuant to the State program	
26	A State should have the authority to sue in a court of competent jurisdiction to recover civil penalties for violations of a statute or regulation which is part of the State program or of an order or permit which is issued pursuant to the State program	
27	<b>Intervention in Civil Enforcement Proceedings</b>	

CCR Permit Program Application Checklist		
Row	Requirement	Notes (Complete? If N, why?)
28	A State should demonstrate that intervention is possible in the State civil enforcement process by providing either: (a) Authority that allows intervention, as a right, in any civil action to obtain remedies specified in the requirements for enforcement authority section by any citizen having an interest that is or may be adversely affected; or (b) Assurance by the appropriate State agency that: (1) It will provide notice and opportunity for public involvement in all proposed settlements of civil enforcement actions (except where immediate action is necessary to adequately protect human health and the environment); and, (2) It will investigate and provide responses to citizen complaints about violations; and, (3) It will not oppose citizen intervention when permissive intervention is allowed by statute, rule, or regulation	